

Ms. Reid

FEDERAL REGISTER

VOLUME 12

NUMBER 6

Washington, Thursday, January 9, 1947

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 9818

ESTABLISHING THE PHILIPPINE ALIEN PROPERTY ADMINISTRATION AND DEFIN- ING ITS FUNCTIONS

By virtue of the authority vested in me by the Constitution and statutes, including the Trading with the Enemy Act of October 6, 1917, 40 Stat. 411, as amended, the Philippine Property Act of 1946, 60 Stat. 418, the First War Powers Act, 1941, 55 Stat. 838, as amended, section 1753 of the Revised Statutes, and the Civil Service Act, 22 Stat. 403, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. There is established in the Office for Emergency Management of the Executive Office of the President the Philippine Alien Property Administration, at the head of which shall be a Philippine Alien Property Administrator appointed by the President, without regard to the civil service laws. The Philippine Alien Property Administrator shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, housing, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, and without regard to the civil service laws, the Philippine Alien Property Administrator may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this order. Such personnel of the Office of Alien Property, Department of Justice, as are engaged in the exercise of the functions transferred hereunder, may be transferred to the Philippine Alien Property Administration without loss of such civil-service status or eligibility therefor as they may possess. Any employee of a department or agency of the Federal Government who possesses special qualifications or experience of particular use to the Philippine Alien Property Administrator may, upon request by the Philippine Alien Property Administrator, be transferred with his consent and that of the department or agency in which he is employed, without loss of such civil-service status or eligibility therefor as

such person may possess, to a position under the Philippine Alien Property Administrator. Upon application for re-employment made to the original employing department or agency within ninety days after termination of the service of the employee in the position to which he is transferred under the provisions of this section, and upon presentation of a statement by the Philippine Alien Property Administrator or his authorized representatives, reciting the date of termination of such service, that the services of such employee have been satisfactory and that such termination was not the result of delinquency or misconduct on the part of the employee, such employee shall, if qualified to perform the duties of his position, be reemployed in his original position or in a position of like seniority, status and pay, so long as the position the employee left, or one of like seniority, status, and pay is occupied by an employee with lower retention preference.

2. The Philippine Alien Property Administrator is hereby designated to exercise and perform, and there are hereby transferred to him, such rights, privileges, powers, authority, duties and functions, with respect to property located within the Philippines and property transferred pursuant to section 3 hereof, as were vested in or transferred or delegated to the Alien Property Custodian by the Trading with the Enemy Act, as amended, the Philippine Property Act of 1946, Executive Order 9095 of March 11, 1942, as amended, Executive Order 9142 of April 21, 1942, and Executive Order 9725 of May 16, 1946.

3. The Attorney General, or such officer or agency of the Department of Justice as he may designate, is authorized and directed to transfer to the Philippine Alien Property Administrator all property or interests vested in or transferred to him which were located in the Philippines at the time of such vesting or transfer, or the proceeds thereof, subject, however, to such expenses as the Attorney General is authorized to charge against such property or proceeds. Such property or proceeds shall be administered and disposed of under the direction and control of the Philippine Alien Property Administrator in accordance with law.

4. The Philippine Alien Property Administrator shall, except as otherwise

(Continued on next page)

CONTENTS

THE PRESIDENT

Executive Order	Page
Philippine Alien Property Administration; establishment and definition of functions.....	133

EXECUTIVE AGENCIES

Agriculture Department	
Rules and regulations:	
Food imports, partial revision of appendix.....	135
Alien Property, Office of	
Notices:	
Oahu Junk Co., Ltd.; vesting order	153
Civil Aeronautics Administration	
Rules and regulations:	
Public airports:	
Acquisition by public agencies for public airport purposes of lands owned or controlled by U. S.	144
Damage by Federal agencies; claims for rehabilitation or repair	146
Federal aid to public agencies for development.....	135
Civil Aeronautics Board	
Notices:	
Accident near Michigan City, Ind.; hearing.....	153
Rules and regulations:	
Aircraft radio equipment, certification; noncompliance.....	135
Civilian Production Administration	
Rules and regulations:	
Priorities system operation (PR 28, Revocation of Dir. 13-17, 19, 21, 23 and 24)	151
CC ratings for cotton, synthetic and wool fabric and yarns; special provisions for assignment (PR 28A, Revocation)	152
CC ratings for trucks, use (PR 28, Dir. 6)	151
Critical products (PR 28, Revocation of Sch. 1)	151
Restricted priorities assistance (PR 28)	150
Use of ratings for equipment to establish veterans in business; restriction (PR 28, Dir. 20)	151



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

CONTENTS—Continued

Federal Deposit Insurance Corporation	Page
Notices:	
Call for report of condition and annual report of earnings and dividends:	
Insured mutual savings banks not members of Federal Reserve System.....	154
Insured State banks not members of Federal Reserve System, except banks in District of Columbia and mutual savings banks.....	154
Insured banks, filing of certified statement.....	154
Federal Power Commission	
Notices:	
Michigan-Wisconsin Pipe Line Co., hearing.....	153

RULES AND REGULATIONS

CONTENTS—Continued

International Trade, Office of	Page
Rules and regulations:	
Prohibited exportations (2 documents).....	149, 150
Interstate Commerce Commission	
Notices:	
Box cars, unloading by railroads (3 documents).....	154, 155
Tractor scraper, San Francisco, Calif.; unloading.....	155
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Columbia Gas & Electric Corp. Columbia Gas & Electric Corp. and Atlantic Seaboard Corp.....	155
Selective Service System	
Rules and regulations:	
Officers (2 documents).....	149
Personnel; uncompensated services.....	149
Solid Fuels Administration for War	
Rules and regulations:	
Coal, shipment on Government's export program; policy statement relating to directions.....	148
Treasury Department	
Rules and regulations:	
Foreign currencies and credits under dispositions of surplus property abroad and lend-lease settlements, administration.....	148
Veterans' Administration	
Rules and regulations:	
Subsistence allowance, adjustments and authorizations....	152
War Assets Administration	
Rules and regulations:	
Surplus personal property, disposal to priority claimants....	152

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 3—The President	Page
Chapter II—Executive Orders:	
9095 ¹	133
9142 ¹	133
9193 ¹	133
9567 ¹	133
9725 ¹	133
9747 ¹	133
9789 ¹	133
9818.....	133
Title 7—Agriculture	
Chapter XI—Production and Marketing Administration (War Food Distribution Orders):	
Part 1596—Food imports.....	135
¹ E. O. 9818.	

CODIFICATION GUIDE—Con.

Title 14—Civil Aviation	Page
Chapter I—Civil Aeronautics Board:	
Part 40—Air carrier operating certification.....	135
Chapter II—Administrator of Civil Aeronautics:	
Part 550—Federal aid to public agencies for development of public airports.....	135
Part 555—Acquisition by public agencies for public airport purposes of lands owned or controlled by U. S.....	144
Part 560—Claims for reimbursement for rehabilitation or repair of public airports damaged by Federal agencies.....	146
Title 30—Mineral Resources	
Chapter VI—Solid Fuels Administration for War:	
Part 602—General orders and directives.....	148
Title 31—Money and Finance: Treasury	
Chapter II—Fiscal Service:	
Part 280—Administration of foreign currencies and credits under dispositions of surplus property abroad and lend-lease settlements.....	148
Title 32—National Defense	
Chapter VI—Selective Service System:	
Part 602—Selective Service personnel.....	149
Part 603—Selective Service officers (2 documents).....	149
Chapter VIII—Office of International Trade:	
Part 801—General regulations (2 documents).....	149, 150
Chapter IX—Office of Temporary Controls, Civilian Production Administration:	
NOTE: Regulations and orders appearing under this chapter are listed only in the Table of Contents, <i>supra</i> .	
Chapter XXIII—War Assets Administration:	
Part 8302—Disposal of surplus personal property to priority claimants.....	152
Title 38—Pensions, Bonuses, and Veterans' Relief	
Chapter I—Veterans' Administration:	
Part 36—Regulations under Servicemen's Readjustment Act, 1944.....	152

agreed to by the Secretary of State, consult with the Secretary of State before vesting any property or interest pursuant to this executive order.

5. The Attorney General or such officer or agency of the Department of Justice as he may designate, is authorized and directed to transfer to the Philippine Alien Property Administrator such personnel, records, files, furniture, equipment, and supplies as the Director of the Bureau of the Budget may determine to

be necessary for the performance of the functions hereby transferred, but the Administrator shall reimburse the Attorney General for the furniture, equipment, and supplies so transferred.

6. The Philippine Alien Property Administrator, to the extent permitted by law, is authorized to pay out of any funds or other property or interests vested in him or transferred to him all necessary expenses of the Philippine Alien Property Administration in the performance of the functions hereby transferred: *Provided, however,* that the Philippine Alien Property Administrator shall submit to the Director of the Bureau of the Budget at such time or times and in such form as the Director shall require, an estimate of general administrative expenses for the remainder of the current fiscal year, and no general administrative expenses authorized to be paid pursuant to this order shall be incurred or paid by the Philippine Alien Property Administrator in excess of the amounts approved by the Bureau of the Budget upon submissions as herein required. All expenses for the current fiscal year shall, in addition, be reported to the Congress as early as practicable, with a request for ratification thereof; and no general administrative expenses shall be incurred or paid by the Philippine Alien Property Administrator after the fiscal year ending June 30, 1947, except pursuant to a further annual authorization by the Congress.

7. Paragraph 5 of Executive Order 9142 (7 Fed. Reg. 2985) is amended to the extent that it requires that litigation under the Trading with the Enemy Act of October 6, 1917, as amended, and the Philippine Property Act of 1946, instituted in the courts of the Philippine Islands prior to July 4, 1946, be conducted under the supervision of the Attorney General. In any such litigation the Philippine Alien Property Administrator may appear personally or through attorneys appointed by him.

8. No action taken by or on behalf of the Alien Property Custodian or the Attorney General as his successor under Executive Order 9747 of July 3, 1946, shall be challenged on the ground that it was within the jurisdiction of the Philippine Alien Property Administrator.

9. This order supersedes Executive Order 9789 of October 14, 1946, entitled "Establishing the Philippine Alien Property Administration and defining its functions."

HARRY S. TRUMAN

THE WHITE HOUSE,
January 7, 1947.

[F. R. Doc. 47-245; Filed, Jan. 8, 1947;
11:09 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-19]

PART 1596—FOOD IMPORTS PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (10 F. R. 103, 8950, 10419; 11 F. R. 2630,

5103), Appendix A is hereby revised as follows:

1. By deleting the following items therefrom:

Food and Commerce Import Class No.

Cheese: 0045.100 to 0046.990, inc.
Lentils: 1199.000.
Chickpeas and garbanzos, dried: 1200.000.
Milk, condensed, evaporated, skimmed dried and whole dried: 0040.000, 0040.100, 0040.700, 0041.100, 0041.000.

2. By adding the following item thereto:

Food and Commerce Import Class No.

Milk, condensed: 0040.100.

This amendment shall become effective at 12:01 a. m., e. s. t., January 6, 1947.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; WFO 63, 10 F. R. 8950, 11 F. R. 2630)

Issued this 6th day of January 1947.

[SEAL] JESSE B. GILMER,
Acting Administrator,
Production and Marketing
Administration.

[F. R. Doc. 47-202; Filed, Jan. 8, 1947;
8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 353-C]

PART 40—AIR CARRIER OPERATING CERTIFICATION

NONCOMPLIANCE WITH REQUIREMENTS WITH RESPECT TO CERTIFICATION OF AIRCRAFT RADIO EQUIPMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of December 1946.

Special Civil Air Regulation Serial Number 353 waived provision of § 40.253 of the Civil Air Regulations with respect to the certification of aircraft radio equipment.

It appearing that: The lack of available supplies having made it impossible for certain operators to convert certain items of their U. S. Army aircraft radio equipment so that they may be type certificated, a further extension of the effectiveness of Special Civil Air Regulation Serial Number 353 with respect to these items is in the public interest, and notice and public procedure provided for in paragraphs (a) and (b) of section 4 of the Administrative Procedure Act are unnecessary with respect to the regulation hereinafter set forth.

Now, therefore, effective January 1, 1947, Special Civil Air Regulation Serial Number 353, limited to the following items, SCR-522 VHF-transceiver; F-21/ARA-9 and FL-8B range filters; HS-33 headphones; T-17 microphones; LP-31A and LP-31AM loops; and C-166/AIC-3 switch box, is amended by striking the words "January 1, 1947", and inserting in lieu thereof "April 1, 1947."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-178; Filed, Jan. 8, 1947;
8:48 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

Acting pursuant to the authority vested in me by section 301 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 985, 54 Stat. 1233, 1235, 1236, 49 U. S. C. 401, 451) and the Federal Airport Act (60 Stat. 170, Pub. Law 377, 79th Cong.) I hereby adopt a new part, Part 550, of the regulations of the Administrator of Civil Aeronautics to read as follows:

- Sec.
- 550.1 Definitions.
 - 550.2 National Airport Plan.
 - 550.3 Project programming.
 - 550.4 Distribution of funds within the states.
 - 550.5 Distribution of funds within the Territory of Alaska, Territory of Hawaii, and Puerto Rico.
 - 550.6 Use of apportioned funds.
 - 550.7 Use of discretionary fund.
 - 550.8 Eligible projects.
 - 550.9 Allowable project costs.
 - 550.10 Costs not allowable as project costs.
 - 550.11 United States share of project costs.
 - 550.12 Eligible sponsors.
 - 550.13 Sponsor requirements.
 - 550.14 Submission of project requests; tentative allocation of funds.
 - 550.15 Sponsor's assurance agreement.
 - 550.16 Submission and approval of project application.
 - 550.17 Grant agreement.
 - 550.18 Performance of construction work.
 - 550.19 Accounting procedure.
 - 550.20 Grant payments.
 - 550.21 Memoranda and hearings.

AUTHORITY: §§ 550.1 to 550.21, inclusive, issued under 52 Stat. 973, 985, 54 Stat. 1233, 1235, 1236, Pub. Law 377, 79th Cong.; 60 Stat. 170, 49 U. S. C. 401, 451.

§ 550.1 *Definitions.* All terms in the regulations of this part which are defined in the Federal Airport Act and are not defined in this section shall have the meaning given to them in the act. As used herein unless the context otherwise requires, the following terms shall have the meaning indicated:

(a) "Act" means the Federal Airport Act of 1946 (Public Law No. 377, 79th Congress, 2d session; 60 Stat. 170) (Appendix A).

(b) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(c) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(d) "Regional Administrator" means the directing head of the CAA for the respective CAA region or his duly authorized representative.

(e) "Superintendent of airports" means the director of the Airports Branch of a CAA regional office or his duly authorized representative.

(f) "District Airport Engineer" means the director of a district office of the Airports Branch of a CAA regional office or his duly authorized representative.

(g) "Project" means a project for the accomplishment of airport development with respect to a particular airport as set forth in a project request or project application submitted in accordance with the regulations of this part.

(h) "Sponsor" means any public agency, acting either individually or jointly with one or more other public agencies, which, either itself or through a duly authorized agent, submits to the Administrator, in accordance with the act, a project request or a project application for a grant of funds for airport development.

(i) "Class 4 or larger airport" means an airport which upon completion of the project proposed would, in the opinion of the Administrator, meet generally the standards of Table 3 of the Civil Aeronautics Administration Bulletin, "Airport Design", dated April 1, 1944, for a Class 4 or larger airport. (Appendix C.)

(j) "National Airport Plan" means the plan for the development of public airports in the United States, the Territory of Alaska, the Territory of Hawaii, and Puerto Rico, prepared and revised annually by the Administrator.

(k) "Program" means a program prepared by the Administrator listing proposed projects to be undertaken within the next fiscal year: *Provided, however*, That projects for the fiscal year ending June 30, 1947, will be included in a program prepared during such year.

(l) "Project request" means a preliminary expression of interest in participating in the Federal-aid Airport Program, in the form, and containing the information, required by § 550.14.

(m) "Project application" means a formal application for a grant of Federal funds for a project, submitted as required by § 550.16.

(n) "Land acquisition" means the acquiring of any land or interest therein, or any easement through or other interest in air space.

(o) "Landing area" is that part of an airport which is used, considered, or intended to be used for the landing and taking off of aircraft or taxiing incidental thereto.

(p) "Building area" is that part of an airport other than its "landing area" which is used, considered, or intended to be used for airport buildings or other airport facilities or rights of way together with all airport buildings and facilities located thereon.

§ 550.2 *National Airport Plan.* The National Airport Plan and each annual revision thereof will specify in terms of general location and type the public airport development then considered by the Administrator as necessary to meet the needs of civil aeronautics during the succeeding three years.

§ 550.3 *Project programming.* The submission of a project request or project application will in all instances be necessary before any proposed project will be considered for inclusion in a program. The submission of such request or application does not necessarily imply that the proposed project will be included in the program, nor will it in any way obligate the sponsor to perform any work or expend any funds in connection therewith.

§ 550.4 *Distribution of funds within the states.* Within thirty days after each appropriation the total amount so appropriated will be distributed into three separate funds:

(a) Administrative fund.

(b) Fund available for apportionment to the States.

(c) Discretionary fund.

§ 550.5 *Distribution of funds within the Territory of Alaska, Territory of Hawaii, and Puerto Rico.* Within thirty days after each appropriation the total amount so appropriated will be distributed into two separate funds:

(a) Administrative fund.

(b) Fund available for apportionment to the Territory of Alaska, Territory of Hawaii, and Puerto Rico.

§ 550.6 *Use of apportioned funds.* All sums of money apportioned to a state will thereupon become available only to pay the United States share of the allowable project costs of approved projects which are sponsored by that state or an eligible public agency thereof and, in addition, are located in that state, an adjoining state, a national park, national recreation area, national monument or national forest which lies wholly within the boundaries of that state or of an adjoining state, or that part of a national park, national recreation area, national monument or national forest which lies wholly within the boundaries of that state or of an adjoining state. Where a project has two or more sponsors all of which are not public agencies of the same state, the United States share of the allowable cost of the project will be charged against the moneys apportioned to the states concerned, in proportion to the amounts contributed by these states and their public agencies as the sponsors' share of the costs of the project.

§ 550.7 *Use of discretionary fund.*

(a) No allocation will be made from the discretionary fund until all regularly apportioned funds for approved projects in the specific state have been tentatively allocated, except as provided in paragraph (c) of this section.

(b) That part of the discretionary fund made available by the Administrator for any approved project in a state will be used in the same manner, and subject to the same requirements and conditions, as apportioned funds.

(c) The discretionary fund is the only source from which grants will be made for projects sponsored by the United States or an agency thereof and located in national parks, national recreation areas, national monuments or national forests. The discretionary fund is not available to pay any part of the sponsor's share of the allowable costs of such projects. The sponsor's share of such allowable project costs may be paid only out of appropriations specifically authorized for the purpose of paying such share, or moneys contributed to the sponsor for this purpose. The act expressly authorizes the receipt and use by the sponsor of moneys for such purpose.

§ 550.8 *Eligible projects.* A project shall be eligible for inclusion in a program, and for approval by the Administrator, only if it is determined by the Administrator that such project meets all of the applicable requirements of this section and of § 550.9.

(a) *Types of airport development.* A project shall include only such types of airport development as are eligible for inclusion in a project as provided in this section.

(1) *Land acquisition.* The acquisition of land or of any interest therein or easement through or other interest in air space shall be eligible for inclusion in a project only if such acquisition is necessary:

(i) To permit the accomplishment of other airport development, whether such development is to be accomplished as part of the Federal-aid Airport Program or not; or

(ii) To prevent or limit the establishment of airport hazards; or

(iii) To permit proper use, operation, management, and maintenance of the airport as a public facility.

The term "acquisition of land" as used in this section shall include the acquisition of land already developed as a privately owned airport and of all structures, fixtures, improvements, and equipment thereon of a type the construction, installation, or purchase of which would be eligible for inclusion in a construction project pursuant to the regulations of this part.

(2) *Construction work.* The following types of construction work shall be eligible for inclusion in a project:

(i) Clearing, grubbing, filling, and grading of the airport or airport site or any part thereof.

(ii) Dredging of seaplane anchorages and channels.

(iii) Drainage work either on or off the airport or airport site.

(iv) Construction, alteration, and repair of runways, taxiways, aprons, and automobile parking areas within the limits of the airport or airport site.

(v) Construction, alteration, and repair of seaplane ramps, docks, and other seaplane base facilities other than hangars and living quarters.

(vi) Construction, alteration, and repair of access roads and walks, either on or off the airport or airport site.

(vii) Landscaping, seeding, and sodding of the airport or airport site.

(viii) Fencing of the airport or airport site.

(ix) Installation, alteration, and repair of airport lighting facilities and equipment.

(x) Construction, alteration, and repair of administration, terminal, and service buildings, airport control tower structures, repair shops, and structures necessary for the proper use, operation, management, and maintenance of the airport as a public facility, other than hangars and living quarters.

(xi) Construction, installation, and connection of utilities either on or off the airport or airport site.

(xii) Removal, lowering, relocation, marking, and lighting of airport hazards.

(xiii) Such other construction work as may be permissible under the Act and is specifically approved by the Administrator for inclusion in a particular project.

(b) *Minimum development.* A project shall include sufficient airport development to provide, or make possible, the establishment of a safe, usable, and use-

ful airport facility, or to add materially to the safety or utility of an existing airport.

(c) *Maximum development.* A project shall not include any airport development which cannot be expected to be completed within a reasonable time satisfactory to the Administrator.

(d) *Prior commitments.* No airport development shall be eligible for inclusion in a project which the sponsor or any other similar agency is obligated to accomplish by reason of any previous agreement or commitment with the United States for the development of the airport.

(e) *Conformity to CAA standards.* All airport development included in a project shall be in accordance with standards established or approved by the Administrator for such development.

§ 550.9 *Allowable project costs.* The Administrator will pay to the sponsor the United States share, as defined in § 550.11, of all project costs of an airport development accomplished under an eligible project, as defined in § 550.8, to the extent that such project costs are allowable. In order to be an allowable project cost, for the purpose of computing the amount of the grant, a project cost paid or incurred, in the determination of the Administrator, must be necessary and reasonable and must meet the requirements of this section.

(a) *Classification of project costs.* For purposes of determining which costs are allowable, the term "project costs" shall include the types of costs described and classified in this section.

(1) *Land acquisition costs.* If the approved project covered by the Grant Agreement includes land acquisition, the allowable project costs in connection with such acquisition may include the cost of items such as the following:

(i) *Land, easements, and interests in land.* The purchase price of such land acquisition as may be reasonably required for and in connection with an airport development.

(ii) *Incidental expenses connected with land acquisition.* Incidental costs in accomplishing such acquisition, including fees, expenses, cost of appraisal, surveys, options, negotiations, abstracts, title examinations, title guarantees, title insurance, condemnation proceedings (including the fees and expenses of expert witnesses), suits to clear title, advertising, revenue stamps, recording fees, and necessary travel expenses in connection with the foregoing.

(2) *Construction costs; contract.* If the approved project covered by the Grant Agreement includes construction which is accomplished by contract, the allowable project costs in connection with such construction may include such items as the following:

(i) *Construction contract obligations.* Obligations to a contractor for materials furnished or work performed under a construction contract and in compliance with its terms.

(ii) *Sponsor's incidental construction costs.* The cost of performance by the sponsor of any obligations properly imposed or assumed in the performance

of such work, including insurance premiums.

(3) *Construction costs; force account* (see also § 550.18 (d)). If any construction under an approved project is accomplished by force account, the allowable project costs in connection with such construction may include items such as the following:

(i) *Wages.* The wages of laborers, mechanics, and others employed for work on the project.

(ii) *Materials and supplies.* Materials and supplies purchased for and incorporated into the project, or materials and supplies furnished by the sponsor from a source of supply owned by it or on hand: *Provided*, That approval is first obtained from the Administrator for the use of such materials and supplies, including quality, location, and the unit price thereof.

(iii) *Rental charges.* The rental of all machinery, tools, and equipment required and employed in the performance of the work, including machinery, tools and equipment owned, purchased or rented for the project by the sponsor: *Provided, however*, That the rental charge for machinery, tools or equipment owned, purchased or rented for the project by the sponsor shall be reasonable and shall not exceed the prevailing current local rate for the rental of such machinery, tools and equipment: *And provided further*, That the use thereof has been specifically approved by the Administrator.

(iv) *Insurance premiums.* All insurance premiums and other costs necessary for insurance protection of the project.

(4) *Engineering costs.* If the approved project covered by the Grant Agreement requires engineering services, the allowable project costs in connection with such services may include items such as the following:

(i) *Tests, data, applications, plans and specifications.* The expenses of formulating and planning a specific project (as distinguished from expenses of general area, urban, or state planning, which are not allowable as project costs), including all costs involved in the making of field surveys and special studies and tests, such as borings and tensility tests, the collection and assembling of data, and the preparation of plans and specifications, charts, sketches, maps, tables, project requests, and project applications, and including the fees, salaries, and other charges for the services of engineers, surveyors, architects, and others who render necessary personal services to the sponsor in connection with such work.

(ii) *Supervision and inspection.* The costs of supervision and inspection of construction work under a project, including the fees, salaries, and other charges for the services of engineers, surveyors, architects, inspectors, and others who render necessary personal services to the sponsor in connection with such work.

(5) *Administrative and other incidental costs.* Administrative and other incidental costs in the accomplishment of an approved project covered by the Grant Agreement are allowable project

costs and may include items such as the following:

(i) *Preparation of documents.* All expenses incurred in connection with the preparation of contract documents, advertising for and acceptance of bids, and the awarding and execution of contracts.

(ii) *Necessary fees and salaries.* The costs of legal proceedings and fees, salaries, and other compensation for the services of accountants, attorneys, auditors, clerks, stenographers, and others who are necessarily employed in connection with the project. The compensation of regular and continuing employees of the sponsor who perform work on the project within the scope of their regular employment is not an allowable project cost. Work on or in connection with the project outside of the scope of such employment and for which the sponsor would normally pay additional compensation is an allowable project cost in an amount not to exceed such additional compensation.

(iii) *Necessary incidental expenses.* Travel expenses, expenses for telegrams and telephone calls, and other necessary incidental expenses of agents and employees of the sponsor in connection with the project, *Provided*, That complete and adequate justification in writing accompanies each claim.

(b) *Time.* The project cost must have been incurred for airport development accomplished within the scope of the project described in, and in accordance with, the provisions of the Grant Agreement, and subsequent to the date of execution of such Grant Agreement, except that planning costs as described in paragraphs (a) (4) (i) of this section and land acquisition costs as described in paragraph (a) (1) of this section, and administrative and incidental costs connected therewith, shall be allowable though incurred prior to the execution of such Grant Agreement: *Provided*, That no project cost shall be allowable if incurred prior to May 13, 1946, the date of approval of the act. For the purpose of this section, a cost shall be deemed to have been incurred if the sponsor paid or legally obligated itself to pay any sum of money for or in connection with the accomplishment of the airport development.

§ 550.10 *Costs not allowable as project costs.* Costs of the types hereinafter enumerated, although incurred by the sponsor in connection with the accomplishment of an approved project, will not be included in the allowable project costs for the purpose of computing the amount of the grant, namely:

(a) Any cost of obtaining title to or the use of any lands or any interests in air space under section 16 of the act.

(b) Any cost of rehabilitation or repair for which funds have been appropriated by the Congress under section 17 of the act.

(c) The cost value of hangars or living quarters for personnel (replacement cost, new, minus depreciation) where the project includes the purchase of an existing airport.

(d) The payment of wages or salaries to persons employed in violation of sections 15 (b) or (c) of the act.

(e) The costs of materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor and used by it in construction work on a force account project, where such costs are not supported by documentary evidence of quantity and value.

(f) The purchase price of machinery, tools, or equipment purchased by the sponsor for use in prosecuting a force account project.

(g) The costs of general area, urban, or state-wide planning of airports, as distinguished from the planning of a specific project as approved.

(h) Payments of interest made or obligations for interest incurred by the sponsor.

§ 550.11 *United States share of project costs*—(a) *Project costs other than land acquisition costs*—(1) *Class 3 or smaller airports*. The United States share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 3 or smaller airport, wherever located, shall be 50 percent of the allowable project costs of the project (other than costs of land acquisition), except that this share, in the case of any state containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act (see Appendix D), and except that the United States share shall be 75 percent in the case of the Territory of Alaska.

(2) *Class 4 or larger airports*. The United States share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 4 or larger airport, wherever located, shall be a percentage of the total allowable project costs of the project (other than costs of land acquisition). Such percentage shall be the percentage which would apply if the project were one for the development of a Class 3 or smaller airport, as prescribed in subparagraph (1) of this paragraph insofar as the allowable project costs, when added to the total allowable project costs incurred in connection with other approved projects, if any, for the development of the same airport (other than the costs of land acquisition), are less than \$5,000,000. For each additional \$1,000,000 or portion thereof, over and above such \$5,000,000 figure and up to \$11,000,000, the percentage used in determining the United States share of such portion of the allowable project costs of the project (other than costs of land acquisition) shall be 5 per cent less; for that portion of allowable project costs of the project above \$11,000,000 the percentage used in determining the United States share of such portion shall be the same as the percentage applicable to allowable project costs between \$10,000,000 and \$11,000,000. This formula for determining the United States share of allowable project costs (other than the costs of land acquisition) for approved Class 4 or larger airport projects, other than those in public land states, is set out in the following table:

Increments of cumulative allowable project costs	United States share in Territory of Hawaii, Puerto Rico and States other than public land States			United States percentage share in Alaska
	Percentage	Federal share increments	Cumulative Federal share	
First \$5,000,000....	50	\$2,500,000	\$2,500,000	75
Next \$1,000,000....	45	450,000	2,950,000	70
Next \$1,000,000....	40	400,000	3,350,000	65
Next \$1,000,000....	35	350,000	3,700,000	60
Next \$1,000,000....	30	300,000	4,000,000	55
Next \$1,000,000....	25	250,000	4,250,000	50
Next \$1,000,000....	20	200,000	4,450,000	45
Portion exceeding \$11,000,000....	20	-----	-----	45

(b) *Land acquisition costs*. The United States share of the project costs of an approved project which represent the cost of land acquisition shall be 25 per cent of the allowable cost of such acquisition regardless of the size or location of airport to be developed.

§ 550.12 *Eligible sponsors*. A sponsor shall be eligible to file a project request for Federal aid or a project application if, acting individually or jointly, it is:

(a) The United States Government or an agency thereof, if the project is located in the Territory of Alaska, the Territory of Hawaii, Puerto Rico, a national park, or national recreation area, a national monument, or a national forest; or

(b) A state or agency thereof; or

(c) The Territory of Alaska, the Territory of Hawaii or agency thereof; or

(d) Puerto Rico or agency thereof; or

(e) A municipality or other political subdivision; or

(f) A tax-supported organization.

Provided, however, That when the law of any state prohibits a municipality or other public agency from submitting a project application or from receiving grants of Federal funds for airport development or requires approval by the state prior to the submission of a project application, such municipality or other public agency shall not be eligible unless the submission of the project request and the project application is by, through, or with the approval of the state or appropriate agency thereof and is in accordance with applicable state law.

§ 550.13 *Sponsor requirements*. An eligible sponsor shall meet the requirements and conditions of this section. If the sponsor is acting by or through a duly authorized agent, the contract of agency shall be submitted to the Administrator through the District Airport Engineer. Such contract of agency will be examined as to its scope and the relationship of the parties, and the Administrator may require that the agent meet such of the requirements of this section as he may deem reasonable and necessary.

(a) *Powers*. The sponsor, at the time of the submission of the project application, shall satisfy the Administrator that it has the legal power and authority:

(1) To submit a project application and to receive a grant of Federal funds under the act;

(2) To engage in the airport development as contemplated in the project and in the act;

(3) To acquire, own, or control land needed for the project and the operation of the airport;

(4) To establish, maintain and operate an airport;

(5) To raise necessary funds to meet the sponsor's share of project costs and to finance the operation and maintenance of the airport;

(6) To execute all necessary covenants and agreements and to assume the obligations of sponsorship as required by the regulations of this part.

(b) *Funds*. The sponsor, at the time of the submission of the project application, shall have sufficient funds on hand, or shall submit evidence satisfactory to the Administrator that sufficient funds of the sponsor are, or will be, on hand to pay all estimated costs of the project which are not to be borne by the United States. The availability of such funds shall be evidenced by a certificate from an approved depository stating that a specific amount of money is on deposit with such depository to the credit of the sponsor, in the funds specified in § 550.20, sufficient to meet all estimated costs of the project which are not to be borne by the United States; or to the extent such funds have not been deposited, the sponsor shall furnish assurances satisfactory to the Administrator that proceeds from some specific non-Federal, public or private fund or from the sale of bonds or other evidences of indebtedness, guarantee the availability of such funds as needed.

(c) *Outstanding litigation*. At the time of the submission of the project application, there shall be no pending litigation or other legal proceeding and no misrepresentation of any relevant fact which will interfere with the conduct or completion of the project or with public operation, maintenance, or use of the airport.

(d) *Outstanding obligations*. At the time of the submission of the project application, the sponsor shall not be in default on any obligation to the United States relative to the development, operation, and maintenance of an airport.

(e) *Land*—(1) *Property interests required*. The sponsor shall have or be in a position to acquire good title satisfactory to the Administrator to all lands which in the judgment of the Administrator are necessary for the development of the airport to the class proposed in the current revision of the National Airport Plan, and all easements or other property interests which in the judgment of the Administrator are necessary for the project. The sponsor shall acquire such easements or other property interests as in the judgment of the Administrator may be required for the prevention, abatement, or mitigation of airport hazards; or to permit the flight of aircraft over nearby property, or for drainage, utilities, or ingress to or egress from the airport.

(2) *Time of acquisition*. Prior to the commencement of any construction work under the project, the sponsor shall acquire all necessary property interests; except that required property interests not necessary for any construction work included in the project may be acquired within a reasonable time after construc-

tion starts. If there are any property interests required which the sponsor does not possess at the time it executes the sponsor's assurance agreement, such agreement shall contain an express covenant to acquire such property interests within a time specified therein, which shall be subject to the approval of the Administrator.

(3) *Surveys.* A qualified surveyor or engineer shall be employed to prepare a property line map showing each parcel of land and each property interest acquired or to be acquired as a part of a project. Leases, easements, rights in air space, and other interests in land are to be included in the said map. The map shall be made to a sufficient scale to show all pertinent information. The location and boundaries of the approach, turning and transition zones and the applicable height limits shall be superimposed on this property map. CAA Office of Airports, Drawing No. 672, Airport Approach Standards, shall be used in preparing such map.

(4) *Appraisers and appraisals.* The Administrator, in his discretion, may require the sponsor to secure two independent appraisals of any property interests acquired or to be acquired as part of the project. Such appraisals shall be made by competent appraisers, having a background of experience satisfactory to the Administrator. In submitting their appraisals such appraisers shall certify that they have no personal interest, present or prospective, in the property and interests appraised.

(5) *Evidence of title.* Satisfactory evidence of title shall be submitted with respect to all property interests mentioned in subparagraph (1) of this paragraph. Such evidence may be in the form of a title certificate, title insurance policy, or opinion from a qualified attorney, and shall be furnished in duplicate to the Administrator through the District Airport Engineer at the time the project application is submitted, where the acquisition was accomplished prior thereto; otherwise such evidence shall be furnished at the time application is made for payment of the United States share of the cost of such acquisition.

(6) *Final land acquisition report.* Upon completion of all land acquisition included in the project, a summary report of such acquisition shall be submitted on Form ACA 1646 (Appendix E) to the Administrator through the District Airport Engineer. The report shall show, for each parcel, the parcel number, interest acquired by the sponsor, names of immediately preceding owner or owners, appraised value, assessed value, the price paid or award made in condemnation, date of closing and exact surveyed area.

(7) *Reimbursement in event of non-completion.* Whenever a project involving land acquisition is approved, which upon completion will not result in the establishment of a useful and usable airport facility, written assurance satisfactory to the Administrator must be given by the sponsor that it will refund to the United States a sum equal to all grant payments made for land acquisition for that project, in the event that such a useful and usable airport facility

is not completed under the act or otherwise within five years from the date of the Grant Agreement.

(f) *Other requirements.* In addition to the requirements of this section, the sponsor of an approved project shall meet the requirements of § 550.15.

§ 550.14 *Submission of project requests; tentative allocation of funds—*

(a) *Project requests.* An eligible sponsor desiring to obtain Federal aid for the development of an eligible project, may, as the first step, submit in quadruplicate to the Administrator through the District Airport Engineer of the District wherein the sponsor is located, a project request for Federal aid on Form ACA 1623 (Appendix F). Co-sponsors of an airport not located in the same District will normally submit the project request to the District Airport Engineer wherein the project is to be located. Such project request will be considered as a preliminary notice of intent in order to permit the District Airport Engineer to evaluate the project in the preparation of a tentative annual program and will serve as the basis and justification for the Administrator's consideration for inclusion of the project in the annual program. Upon receipt of a project request the District Airport Engineer will acknowledge its receipt and to the extent necessary will arrange for consultation with the sponsor concerning the project and for inspection of proposed sites.

(b) *Tentative allocation of funds.* If a project is selected by the Administrator for inclusion in a program, the Administrator will make a tentative allocation of funds for the project and will transmit a notice of such allocation to the sponsor, through the District Airport Engineer.

(c) *Withdrawal of tentative allocation.* A tentative allocation will be subject to withdrawal upon failure of the sponsor to submit a project application, as required by § 550.16 or to comply with the act or the regulations of this part, in some material respect.

§ 550.15 *Sponsor's assurance agreement.* As soon as practicable after the Administrator has made a tentative allocation for a project, the sponsor shall execute a sponsor's assurance agreement and submit such agreement in quadruplicate to the Administrator through the District Airport Engineer. Such agreement shall be executed only if and when the sponsor has the legal power and authority and financial ability to assume the obligations and make the warranties set forth therein. The execution of the sponsor's assurance agreement shall be authorized by an appropriate resolution by the governing body of the sponsor. Such agreement shall follow, in form and substance, Form ACA 1642 (Appendix G) except that it may be changed with the approval of the Administrator when a provision of such agreement does not conform or is not applicable to the facts of the particular case or does not conform to the laws applicable to the sponsor.

§ 550.16 *Submission and approval of project application—*(a) *Submission.* At the earliest practicable date after re-

ceiving notice of a tentative allocation of funds, the sponsor shall submit a project application in quadruplicate on Form ACA 1624 (Appendix H) to the Administrator through the District Airport Engineer. Such project application shall be accompanied by the final plans and specifications and, where the project involves land acquisition, by a survey map as provided in § 550.13 (e) (3). The plans and specifications shall be prepared in such manner as to provide for the completion of the project in accordance with the provisions of the regulations of this part and with all the applicable local laws, ordinances, and regulations, except to the extent that valid waivers are obtained from the appropriate authorities. All necessary approvals and permits of state, local, planning, zoning, building, and other boards or bodies or the duly authorized officers thereof, shall be obtained before the construction contracts are awarded.

(b) *Approval.* The Administrator will not approve the project application unless he is satisfied that the applicable requirements of these regulations of this part have been met; that the project, when completed, will contribute to the accomplishment of the purposes of the act; and that the sponsor will carry the project through to final completion in accordance with the requirements of the act and the regulations of this part.

§ 550.17 *Grant agreement.* The offer of the Administrator to pay a portion of the allowable project costs and the acceptance thereof by the sponsor shall constitute the Grant Agreement, Form ACA 1632 (Appendix I).

(a) *Offer.* The Administrator will make an offer to pay the United States share of the allowable project costs of the project. Such offer will be transmitted in quadruplicate to the sponsor through the District Airport Engineer and will state a definite amount as the maximum obligation of the United States.

(b) *Terms and conditions.* In addition to such special terms and conditions as may be applicable to a particular project, the offer shall be subject to the following terms and conditions:

(1) The sponsor in undertaking the development of a project will comply with and carry out the provisions of the act, the regulations of this part the sponsor's assurance agreement, the project application, and the grant agreement, and will complete the project in accordance with the plans and specifications.

(2) The sponsor will accept or reject the offer within sixty days of its receipt, except that in the event of unusual and unforeseen circumstances, which in the judgment of the Administrator, will prejudice the successful accomplishment of the purposes of the act, the Administrator may, in his discretion, extend the time for acceptance.

(3) The sponsor will begin work on the project within a reasonable time after the execution of the grant agreement.

(4) If, prior to acceptance of the offer, it appears that the amount offered is in excess of the amount required to pay the United States share of the allowable

project costs, the Administrator may in his discretion revise the offer accordingly.

(5) If at any time prior to the acceptance of an offer the sponsor determines that the amount offered is insufficient to cover the United States share of the allowable project costs and desires to secure a revised offer, the offer should be returned through the District Airport Engineer not later than the date established pursuant to subparagraph (2) of this paragraph, accompanied by a complete justification in support of a request for a revised offer.

(6) If at any time prior to the acceptance of an offer the Administrator determines that the offer is insufficient to meet the United States share of the allowable project costs, he may in his discretion withdraw the offer, or submit a revised offer, and if desirable, request a revision of the plans, specifications, the project application, and the sponsor's assurance agreement. If it appears that the project cannot be completed at a reasonable cost and within the estimates, or within the limits of the revised offer, he may in his discretion, withdraw the tentative allocation of funds for the project.

(c) *Acceptance.* If the amount of the United States share as stated in the offer and all other terms thereof are satisfactory, it shall be accepted and executed in quadruplicate within the time prescribed in paragraph (b) (2) of this section, by an official of the sponsor duly designated to take such action, by a resolution of the sponsor's governing body, which resolution shall set forth at length the terms of the offer. Three copies of the accepted offer, to each of which a certified copy of the above resolution has been attached, shall be transmitted to the Administrator through the District Airport Engineer.

(d) *Obligation of the United States.* Unless and until a Grant Agreement has been executed in accordance with the requirements of the regulations of this part with respect to a project, the United States shall not pay, nor be obligated to pay, any portion of the project costs which have been or may be incurred in carrying out the project.

§ 550.18 *Performance of construction work—(a) Responsibility of sponsor.* The sponsor in developing the project shall be primarily responsible for:

- (1) Adherence to standards, policies, and procedures as established or approved by the CAA;
- (2) Furnishing to the Administrator a list of the various classes of labor to be employed in construction work;
- (3) Advertising for bids;
- (4) Opening bids;
- (5) Awarding contracts;
- (6) Supervision of construction;
- (7) Payments to the contractor; and
- (8) Securing compliance with the act, the regulations of this part, all construction contracts, and the plans and specifications.

(b) *Construction review by the Administrator.* The sponsor shall permit, and will require of the contractor, that the Administrator may inspect and review all work, materials, payrolls, records of personnel, conditions of employment, invoices of materials, books of accounts,

and other relevant data and records with respect to the project. The sponsor shall provide and maintain or will make available during the construction of the project, if required by the Administrator, adequate facilities at the project site for the use of the Administrator's representatives or agents who may be assigned to review the project.

(c) *Construction reports—(1) Detailed Estimate of Cost of Contract.* Prior to the start of construction, the sponsor shall prepare and submit five copies of the Detailed Estimate of Cost of Contract on Form ACA 1628 (Appendix J) to the District Airport Engineer for approval. This Detailed Estimate shall be based on the items used in bid proposal. If, during the course of the contract, the sponsor determines that the original Detailed Estimate of Cost of Contract is inaccurate, the sponsor shall submit a revised Detailed Estimate of Cost of Contract for approval. In case of lump sum contracts for buildings, the Detailed Estimate shall be broken down for each class of work, such as excavation, foundation, brickwork, framework, plastering, roofing, flooring, plumbing, and electrical work. The Detailed Estimate for force account projects shall be based on labor, material, rental of equipment, and other pertinent items of cost.

(2) *Periodic cost estimate of contract.* Not later than the 5th of each month, the sponsor shall furnish the District Airport Engineer five copies of a Periodic Cost Estimate of Contract, showing the total cost of the construction performed and materials supplied at the project site to date, by items, on Form ACA 1629 (Appendix K).

(3) *Progress report sketch.* The Periodic Cost Estimate of Contract under subparagraph (2) of this paragraph shall be accompanied by a Progress Report Sketch, the legend of which will indicate the items of work under the contract, and will show the percentage of completion of each item of the report. The sketch will show the airport property, the landing area layout, and location of specific work, and will be illustrated in varicolored pencil. No Progress Report Sketch will be required for projects covering buildings only. The percentage of completion shown on the Periodic Cost Estimate of Contract will be sufficient.

(4) *Cost estimate summary.* Where there has been more than one contract awarded on a project, the sponsor shall submit, with each Periodic Cost Estimate, a Cost Estimate Summary on Form ACA 1630 (Appendix L).

(5) *Payroll reports.* The sponsor shall require each contractor and subcontractor engaged in the work at the site of the project to prepare or the sponsor shall, on a force account project, prepare his payrolls on Form ACA 1645 (Appendix M); and not later than the 7th day after payment of wages, the sponsor or each contractor shall submit to the District Airport Engineer a certified legible copy of each such payroll. Each payroll of a contractor and subcontractor shall be sworn to in accordance with the "Regulations Issued Pursuant to the So-called Kick-Back Statute," Public Law 324, 73d Congress, approved June 13, 1934 (48 Stat. 948) (Appendix B).

(d) *Construction by force account—(1) When permissible.* Construction work may be accomplished by force account if the regional Superintendent of Airports determines that the project or portion thereof can be more effectively and economically accomplished in such manner. However, with the exception of Federally sponsored projects and projects in the territories and possessions, construction by force account will in no instance be approved if the United States share of the construction and related engineering costs, except costs incurred in preparation of plans and specifications, for any one project in any one year's program exceeds \$15,000.

(2) *Documents required.* The sponsor shall submit to the District Airport Engineer the following in support of its application for authority to undertake construction work by force account:

(i) Adequate plans and specifications showing the nature and extent of the construction work to be done by force account;

(ii) A schedule of the construction equipment available to the sponsor;

(iii) A schedule of operation indicating the date on which the construction equipment will be available for use on the project and the estimated completion date of the project; and

(iv) Assurance that adequate supervisory engineering and inspection personnel will be provided.

(e) *Construction by contract.* With the exception of force account work, all construction work in connection with an approved project shall be accomplished by contract (use of Contract Form ACA 1637, Appendix N, is suggested). Contracts for construction work shall be awarded only after open and competitive bidding.

(1) *Approval of District Airport Engineer.* The sponsor shall not enter into any contract relative to the development of a project without the approval of the District Airport Engineer and shall at all times retain, reserve, and enforce all of its rights under all contracts entered into by it related to the development of the project, and shall not amend or modify or consent to any change in any contract, or waive, release, or compromise any right or claim which it may have under any contract, without the approval of the District Airport Engineer.

(2) *Documents required.* The sponsor shall submit to the District Airport Engineer:

(i) Three copies of each executed contract with any person, firm, or corporation, that furnishes or performs any professional or executive work, or service in connection with the project, including architects, engineers, appraisers, title examiners, attorneys, surveyors, and consultants.

(ii) Three copies of each proposed contract document relating to the development of the project.

(iii) An Abstract of Bids and Recommendations for Award for each contract relating to the construction and equipping of the project, on Form ACA 1631 (Appendix O), and a complete set of the executed contract documents relating to the construction or equipping of the project and three sets of conformed copies

thereof, before any work or service is performed or any material or equipment is furnished thereunder.

(iv) Six copies of each proposed change order, Form ACA 1639 (Appendix P) or form approved by the District Airport Engineer, as to any construction relating to the project, before such order is issued;

(v) All insurance policies issued in connection with the development of the project;

and, after having submitted to the District Airport Engineer the documents mentioned above, except contracts for professional or executive work and insurance policies, the sponsor shall not proceed without being advised, in writing, to do so by the District Airport Engineer.

(f) *Letting of contracts*—(1) *Invitation for bids*. The sponsor may advertise for bids for constructing and equipping a project at any time after the Administrator has approved the plans and specifications and advised the sponsor the minimum wage rates which the contractor shall pay to skilled and unskilled labor. The Invitation for Bids shall be published in accordance with applicable local law but in any event not less than once each week for two consecutive weeks in at least one daily newspaper of general circulation in the state in which the sponsor is located. (Form ACA 1633, Appendix Q, is suggested.) The Invitation for Bids as to all contracts for work involving labor shall contain the minimum wage rates as determined by the Secretary of Labor. The Invitation for Bids shall require that the bidder submit either a Bid Bond equal to 5 per cent of the bid on Form ACA 1634 (Appendix R) or a certified check payable to the sponsor in a sum equal to 5 per cent of the bid, as bid guaranty.

(2) *Safekeeping of bids*. The sponsor shall provide a safe and secure place for the bids to be kept until their opening. No bids shall be opened until the time fixed in the Invitation for Bids, and no person other than the one responsible for the safekeeping of such bids shall be permitted to have access to them.

(3) *Opening of bids*. Bids shall be publicly opened and read aloud at the time and place specified in the Invitation for Bids.

(4) *Award of contract*. After the opening of bids, the sponsor shall submit to the District Airport Engineer the Abstract of Bids and Recommendations for Award, on Form ACA 1631 (Appendix S). Under ordinary circumstances approval will not be given for acceptance of other than the lowest bid received. However, if the sponsor considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bid may be recommended for approval by giving full justification for the proposed action. In no case shall any bid be accepted without written approval of the Regional Administrator. After the Abstract of Bids has been reviewed and the Recommendations for Award have been approved by the Regional Administrator, the sponsor may award the contract. (Use of the Award of Bid, Form ACA 1636, Appendix T, is suggested.)

No. 6—2

(g) *Contract security*. The sponsor shall require each construction contractor to furnish a Performance Bond on Form ACA 1638A (Appendix U) as security for the faithful performance of his contract and a Payment Bond on Form ACA 1638B (Appendix V) as security for the payment of all persons performing work and furnishing materials in connection therewith. Each of such bonds shall be in an amount not less than the minimum required by applicable local law; *Provided*, That if local law prescribes no minimum requirement as to the amount of the bonds, or if the minimum requirement is less than 50 per cent of the contract price, or if there is no applicable local law with respect to such bonds, they shall be in an amount not less than 50 per cent of the contract price for the first million dollars and decreased thereafter by 5 per cent for each additional million dollars or portion thereof.

(h) *Contractor's insurance*. The sponsor shall require each construction contractor to maintain, until the work to be performed under his contract has been accepted by the sponsor, insurance with responsible insurance companies as follows:

(1) Adequate insurance, with the sponsor named as co-insured under each policy, covering all work, labor, and materials furnished by such contractor and all his subcontractors against loss by fire, wind storm, lightning, flood, or explosion and against all additional risks in respect to which insurance is commonly carried on buildings and materials during construction, in the locality in which the project is located; *Provided*, That the sponsor may itself purchase the insurance required in this paragraph in lieu of requiring the contractor to provide such insurance; *And provided further*, That no contractor shall be required to carry insurance on any part of the project after the time at which such part is accepted by the sponsor;

(2) Adequate compensation insurance for all the contractor's employees who will be engaged in work at the site of the project (and if any part of such contractor's contract is sublet, the contractor will require his subcontractor to maintain such insurance for all the subcontractor's employees who will be so engaged, unless the latter's employees are protected by the prime contractor's insurance);

(3) Adequate public liability and property damage insurance to protect the contractor and all of his subcontractors from claims for damages for personal injury, accidental death, or injury or damage to property, which may arise from operations under the contract whether such operations be carried on by the contractor or by any subcontractor or by any one directly or indirectly employed by either of them.

(i) *Contractor's assignments*. The sponsor shall require the contractor to obtain its written consent to any proposed assignment of any interest in or part of any contract relating to the construction or equipping of the project, before such assignment thereof is made.

(j) *Payments to contractor*. The sponsor shall make partial payments to

each contractor on the basis of an estimate of work performed and materials delivered to the site as often as may be agreed upon by the sponsor and contractor, but shall retain at least 10 per cent of the amount of each such estimate until final completion and acceptance of all work covered by the particular contract; *Provided*, That when 50 per cent of the work has been completed and if the work is otherwise progressing satisfactorily, the sponsor may make the remaining partial payments in full for the work subsequently completed, but shall retain the prior withheld sums until final payment is authorized. Before making final payment to any contractor, the sponsor shall furnish the District Airport Engineer a Certificate of Completion on Form ACA 1640 (Appendix W) accompanied by a Certificate and Release on Form ACA 1643 (Appendix X) executed by the contractor.

(k) *Labor requirements*—(1) *Qualifications for employment*. The sponsor shall require that no convict labor shall be employed in the development of the project, and that in the employment of labor (except executive, administrative, or supervisory) preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States as defined in section 101 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940, and who have been honorably discharged from such service; *Provided*, That such preference shall apply only where such labor is available locally and qualified to perform the work to which the employment relates.

(2) *Minimum wage rates*. The sponsor shall furnish to the District Airport Engineer not less than 60 days prior to the date it proposes to advertise for bids, a list of the various classes of labor to be employed in the construction work of the project, together with a schedule of the minimum wage rates proposed to be paid to skilled and unskilled labor. The minimum wage rates which the contractor shall pay to skilled and unskilled labor will be determined by the Secretary of Labor and will be furnished to the sponsor by the Administrator prior to the issuance of the invitation for bids.

(l) *Accident prevention*. The sponsor shall require of all contractors that precautions shall be exercised at all times for the protection of persons (including employees) and property, that the safety provisions of applicable laws and of applicable building construction codes shall be observed, and that machinery, equipment, and explosives shall be guarded and all hazards shall be eliminated in accordance with the safety provisions of the Manual of Accident Prevention in Construction, published by the Associated General Contractors of America, to the extent that such provisions are not in contravention of applicable law.

§ 550.19 *Accounting procedure*. The sponsor shall establish and maintain an accounting system adequate for an accurate and expeditious determination of the allowable costs of each project. Project costs shall be so segregated and grouped that the sponsor will be able to furnish, whenever required, cost data in the following cost classifications:

(a) *Purchase price of land.* All costs allowable under § 550.9 (a) (1) (i).

(b) *Incidental costs of land acquisition.* All costs allowable under § 550.9 (a) (1) (ii).

(c) *Costs of construction: contract.* All costs allowable under § 550.9 (a) (2).

(d) *Costs of construction: force account.* All costs allowable under § 550.9 (a) (3).

(e) *Engineering costs: plans and design.* All costs allowable under § 550.9 (a) (4) (i).

(f) *Engineering costs: supervision and inspection.* All costs allowable under § 550.9 (a) (4) (ii).

(g) *Other administrative costs.* All costs allowable under § 550.9 (a) (5).

§ 550.20 *Grant payments.* Within ten days after acceptance of the Grant Offer, the sponsor shall designate an official or officials or depository, authorized by law to receive public funds, to receive payments representing the United States share of the project costs. An account shall be established with such official, officials, or depository to handle such payments, together with those funds to be supplied by other than the United States, which shall be separate and distinct from all other accounts, and shall be entitled "Federal Airport Project, (name of airport)". The Administrator will pay the United States share of the project costs to the official or officials or depository so designated and certified by the sponsor. No other funds shall be deposited in said account, except other money for the development of the project. The funds so deposited shall be withdrawn by the sponsor only in payment of the project costs of development of the project. In case any balance or unexpended funds shall remain in the account after completion of the project and the payment of all costs thereof, the sponsor shall refund to the United States, upon demand by the Administrator, any unexpended balance of payments made by the United States into the account.

(a) *Land acquisition.* (1) At any time subsequent to the execution of the Grant Agreement and after completion of any land acquisition included in the project, and after the start of actual construction work on a project if the project includes any such work, the sponsor may apply to the Administrator on Form ACA 1625 (Appendix Y) for payment of the United States share of the allowable project costs of land acquisition. Upon receipt of such application, payment of the United States share as provided in the regulations of this part will be made in full.

(2) The application for payment of the United States share of land acquisition costs may be made separately from the application for payment of the United States share of other project costs.

(b) *Project costs other than land acquisition.* (1) No grant payment will be made to the sponsor except for airport development which has been accomplished as of the date of payment.

(2) *Partial grant payments.* In the absence of an agreement otherwise, ap-

plication for partial grant payments will be made when the progress of the project has reached the twenty, forty, seventy, and eighty-five percent stages of completion. However, the Administrator and the sponsor may enter into an agreement coincidental with or subsequent to the execution of the Grant Agreement establishing other stages of completion for payment of the United States share: *Provided*, That only one application for partial grant payment may be made by a sponsor in any one calendar month. Form ACA 1625 (Appendix Y) will be used in making applications for partial grant payments. Such partial grant payments, in their aggregate amount, shall not exceed a percentage of the estimated cost of the airport development previously accomplished, as indicated by the latest approved cost estimate. This percentage shall be no more than that percentage of the allowable project costs of such development established by the Grant Agreement as the United States share of such costs and in no event shall exceed the amount stated in the Grant Agreement as the maximum obligation of the United States.

(c) *Progress audits.* Progress audits may be made from time to time at the request of the sponsor or the District Airport Engineer, or at the direction of the Superintendent of Airports, and shall be made at either the seventy or eighty-five percent stage of completion if the United States share of the project is in excess of \$250,000.

(d) *Final grant payments.* At such time as the project has been wholly completed and the sponsor has accepted all work on the project by taking the requisite action as required by local laws or regulations and in compliance with the terms of the Grant Agreement, an application for final grant payment may be filed on Form ACA 1625 (Appendix Y). The Administrator shall make the final grant payment only when he has determined that the following conditions have been met:

(1) A final inspection of all work at the project site has been conducted by representatives of the sponsor, the CAA and the contractor;

(2) A final audit of the work done under the project has been completed;

(3) The sponsor has furnished the Administrator five (5) copies each of the final Periodic Cost Estimate, the Final Physical Progress Sketch, the final "as constructed" plans, and Project History;

(4) A certificate has been signed and verified by an officer of the sponsor designated by resolution on Form ACA 1640 (Appendix W) stating that the development of the project has been completed in accordance with the regulations of this part of the construction contract, and the plans and specifications; that all liabilities of the sponsor, actual and contingent, incurred for, or in connection with, the development of the project, except as specifically set forth in this certificate, have been discharged through payment or other means; that those li-

abilities not yet discharged will be discharged upon receipt by the sponsor of the final grant payment.

(e) *Amount of final grant payment.* Based upon the final inspection, audit, and documents required by paragraph (d) of this section, the Administrator will determine the total amount of the allowable project costs and pay the sponsor the United States share of such amount less the total amount of all prior payments: *Provided, however*, That the aggregate of all payments shall not exceed the amount stated in the Grant Agreement as the maximum obligation of the United States.

§ 550.21 *Memoranda and hearings—*

(a) *Memoranda.* Any public agency, person, association, firm, or corporation having a substantial interest in the disposition of any project application, may file a memorandum in support of or in opposition to the project application with the Administrator through the District Airport Engineer of the district in which the proposed project is located. Such party may request a public hearing with respect to the location of the airport, the development of which is proposed. If, in the opinion of the Administrator, the party filing the memorandum has a substantial interest in the matter, a public hearing will be held in accordance with paragraph (b) of this section.

(b) *Hearings.* If a request for a public hearing is made and approved as set forth in paragraph (a) of this section, the time and place of the hearing will be set by the Administrator. The time will be set so as to avoid undue delay in disposing of a project application but so as to afford reasonable time for all parties concerned to prepare for the hearing. The place of hearing will be at a place convenient to the sponsor. The Administrator will give notice of time and place by mail to the party filing the memorandum, to the sponsor, and to such other persons as the Administrator deems necessary.

(c) *Procedure.* A representative of the Administrator will conduct the hearing on behalf of the Administrator in such manner as he deems adequate and decide the time to be consumed, the type of testimony to be heard, and other matters with respect to the conduct of the hearing.

(d) *Record.* A hearing will be recorded in such form and manner as may be determined by the representative of the Administrator and shall become a part of the record of the project application.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

T. P. WRIGHT,

Administrator of Civil Aeronautics.

NOTE: Appendices A, B, C, E, F, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, and Y to this part have not been filed with the FEDERAL REGISTER, but copies of these appendices are available, upon request, at the office of the District Airport Engineer in each District office of the Civil Aeronautics Administration.

APPENDIX D

United States Percentage Share of Allowable Project Costs in States Containing Unappropriated and Unreserved Public Lands and Nontaxable Indian Lands:

State:	Percentage
Arizona	60.53
California	54.12
Colorado	53.34
Idaho	56.36
Montana	53.57
Nevada	62.50
New Mexico	56.87
Oklahoma	51.67
Oregon	56.02
South Dakota	53.09
Utah	62.16
Washington	51.88
Wyoming	57.47

NOTE: The percentages listed hereon may vary as public lands are withdrawn from the category as indicated, but unless so changed, will be used by the Administrator in determining the United States' share of allowable project costs other than land acquisition.

APPENDIX G

Form ACA 1642 (10-46)

DEPARTMENT OF COMMERCE
CIVIL AERONAUTICS ADMINISTRATION
Washington, D. C.

SPONSOR'S ASSURANCE AGREEMENT

SECTION 1. For and in consideration of the execution by the United States of a Grant Agreement obligating the United States to pay a portion of the allowable project costs of a project for development of the _____ airport under the provisions of the Federal Airport Act, and the Regulations promulgated thereunder, the _____ hereinafter called the "sponsor", for itself, its successors, or assigns does hereby covenant and agree with the United States as follows:

a. All terms used in this Agreement which are defined in the Federal Airport Act, and the Regulations promulgated thereunder, shall have the meaning given to them in such Act and Regulations.

b. Insofar as legally possible, the sponsor will maintain a master plan of the airport, including building areas, approach areas, and landing areas indicating present and future proposed development commensurate with the airport and with current approval of the Administrator; and in establishing additional improvements, the sponsor will conform to such master plan or approved changes thereto.

c. During the term of this agreement, the airport will be operated continuously as such and for no other purpose and will at all times be operated for the use and benefit of the public, on fair and reasonable terms and without unjust discrimination.

d. The sponsor will not hereafter use or permit the use of the airport exclusively for air carrier operations, unless there are other public airport facilities in the area adequate to serve other types of users; it will not grant, exercise, or permit the exercise of any exclusive right for use of the airport by one air carrier operator, or for rental of aircraft to the public, for conducting charter flights, or for operating a flying school, and that, after the date of this agreement, it will not grant or authorize the grant of exclusive right at the airport for selling aircraft, aircraft parts or equipment, or for repairing aircraft and engines, or for carrying on other airport services or fixed base operations of an aeronautical nature. Nothing contained herein shall be construed to waive or abrogate the requirements of section 303 of the Civil Aeronautics Act of 1938. In the interest of safety,

the Administrator may waive in writing compliance with any or all the provisions of this sub-section.

e. Except as provided in d. above, the sponsor will permit all qualified operators, on reasonable terms and without unjust discrimination, to use the airport for any aeronautical business or operation up to the capacity of the airport.

f. The sponsor will not hereafter grant to any one an exclusive right to sell aviation gasoline or oil.

g. During the term of this agreement the sponsor will continuously maintain in good and serviceable condition and repair the entire airport and all buildings and other improvements, facilities, and equipment, other than facilities or equipment owned or controlled by the United States; provided, however, in meeting this requirement the airport is not expected to be operated and maintained for aeronautical uses during temporary periods when climatic or flood conditions interfere substantially with operation and maintenance during such periods. Essential facilities, including night lighting systems, when installed, will be operated in such a manner as to assure their availability to all users of the airport.

h. The sponsor will replace and repair all buildings, structures, and facilities developed under the project if such are destroyed or damaged, replacing or restoring them to a condition comparable to that preceding the destruction or damage.

i. If the land or improvements thereon, acquired or developed under the project, are sold, condemned, or otherwise disposed of, wholly or in part, the United States will be reimbursed in proportion to its original investment in the property so disposed of, but not exceeding its original share in the portions so disposed of, except that if the proceeds are used by the sponsor for airport purposes within two years or if a transfer is made pursuant to this agreement to another public agency or agencies for operation as an airport, there shall be no reimbursement to the United States.

j. Insofar as is within its powers and reasonably possible the sponsor will prevent the use of any land either within or outside the boundaries of the airport, including the construction, erection, alteration, or growth of any structure or other object thereon, which would be a hazard to the landing, taking-off, and maneuvering of aircraft at the airport, or otherwise limits its usefulness as an airport. With respect to land outside the boundaries of the airport, the sponsor will remove or cause to be removed any growth, structure, or other object thereon which would be a hazard to the landing, taking-off, or maneuvering of aircraft at the airport, or when such is not feasible, it will mark or light such growth, structure, or other object. The airport approach standards to be followed in this connection shall be those established by the Administrator in Office of Airports Drawing No. 672 dated _____, unless otherwise authorized by the Administrator. Insofar as legally possible, the sponsor will adopt and enforce zoning ordinances and regulations to safeguard aircraft flight operations within the airport hazard areas as defined in the above mentioned drawing, prohibiting the creation, establishment, erection, and construction of hazards to air navigation; or insofar as reasonably possible, will acquire such easements or other interests in lands and air space as may be necessary to perform the covenants of this paragraph.

k. All facilities of the airport developed with Federal aid and all those usable for the landing and taking-off of aircraft will be available to the United States at all times without charge for use by military and naval aircraft in common with other aircraft, except, if the use by military and naval aircraft shall be substantial, a reasonable share, pro-

portional to such use, of the cost of operating and maintaining facilities so used, may be charged.

l. The sponsor will furnish to any civil agency of the United States, without charge (except for light, heat, janitor service, and similar facilities and services at the reasonable cost thereof), such space in airport buildings as may be reasonably adequate for use in connection with any airport air traffic control activities, weather-reporting activities and communications activities related to airport air traffic control, which are necessary to the safe and efficient operation of the airport and which such agency may deem necessary to establish and maintain at the airport.

m. The sponsor will maintain a current system of airport accounts and records, using a system of its own choice, sufficient to provide annual statements of income and expense, balance sheet and affiliated fiscal reporting. It shall, upon reasonable request, furnish the Administrator with annual or special financial and operations reports. Such reports may be submitted to the Administrator on forms furnished by him, or may be submitted in such other manner as the sponsor elects, provided the essential data is furnished. The airport and all airport accounts and records will be available for inspection at any time, upon reasonable request, by the regional Superintendent of Airports or his authorized representatives.

n. The sponsor will not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency eligible under the Regulations issued pursuant to the Federal Airport Act, to assume such obligations and having the power, authority, and financial resources to carry out all such obligations. If the management and operation of the airport is relinquished wholly or in part, the sponsor agrees that it will reserve sufficient powers and authority to insure that the airport will be operated and maintained in accordance with the Act and the Regulations.

o. The sponsor will furnish to the Administrator through the District Airport Engineer within ten days after their execution or adoption, three copies of all deeds, leases, operation or management agreements, laws, ordinances, rules and regulations, or other instruments affecting the aeronautical use of the airport. All leases, operation or management agreements, or other instruments affecting the aeronautical use of the airport shall contain a provision that such documents shall be subordinate and subject to the provisions of this agreement.

p. The sponsor will acquire prior to the commencement of construction the following property interests as shown on the outline survey attached hereto as Exhibit "A": _____

The sponsor will acquire prior to _____ the following property interests as shown on Exhibit "A": _____

SEC. 2. In order to satisfy the Administrator that the sponsor is qualified to sponsor the project under the requirements established by the Act and the Regulations, and to induce the United States to enter into a Grant Agreement with respect to the project, the sponsor does hereby warrant and represent to the United States as follows:

a. That it holds the following property interests as shown on Exhibit "A": _____

b. That it has sufficient funds available for that portion of the project costs which is not to be paid by the United States;

c. That it has the power and authority, of itself or through an agent, to receive a grant of Federal funds under the Act;

d. That it has the power and authority to make these assurances and to perform all the covenants and agreements contained herein;

e. That it is legally and financially able to operate and maintain the airport and to perform all the covenants contained herein;

f. That there is no pending litigation or other legal proceeding, and no material or relevant fact, which might adversely affect the prosecution of the project, the operation of the airport, or the performance of any of the covenants contained in Sections 1 and 2 hereof, which has not been brought to the attention of the Administrator.

SEC. 3. This Agreement shall become effective immediately except that Section 1 hereof shall not be effective until the execution of the Grant Agreement. This Agreement shall be incorporated in the Grant Agreement and become part thereof. This Agreement shall remain in full force and effect during the useful life of the facilities developed under the project but in any event not to exceed twenty years from the date of the execution of the Grant Agreement.

SEC. 4. If any provision of this agreement or any application thereof shall be held invalid, such invalidity shall not affect any provision or application of this Agreement which can be given effect without the invalid provision or application.

SEC. 5. This document constitutes the (sponsor's) assurances as required under Sections 9 and 11 of the Act and shall be referred to as the "Sponsor's Assurance Agreement."

Sponsor

By

Attest:

Secretary

EXTRACT FROM THE MINUTES OF A (SPECIAL) (REGULAR) MEETING OF THE (HERE NAME GOVERNING BODY OF THE PUBLIC AGENCY) OF (NAME THE SPONSOR) HELD ON (INSERT DATE)

The following resolution was introduced by _____, read in full and considered:

Resolution Adopting and Approving the Execution of the Sponsor's Assurance Agreement To Be Submitted to the Administrator of Civil Aeronautics, U. S. Department of Commerce, to Obtain Federal Aid in the Development of (Here Insert Name of Airport) Airport

Be it resolved by the (members) of (governing body) of _____;

SECTION 1. That (insert name of sponsor) shall enter into a Sponsor's Assurance Agreement for the purpose of obtaining Federal aid in the development of the _____ Airport and that such agreement shall be as set forth hereinbelow.

SEC. 2. That the (here insert the name of officer or officers of the sponsor) is hereby authorized and directed to execute said Sponsor's Assurance Agreement in quadruplicate on behalf of the (here insert name of sponsor), and the Secretary is hereby authorized and directed to impress the official seal of this (insert name of sponsor) and to attest said execution.

SEC. 3. That the Sponsor's Assurance Agreement referred to hereinabove shall be as follows: (Insert Sponsor's Assurance Agreement in full)

CERTIFICATE

I, _____, the duly appointed, qualified and acting _____

of _____, do hereby certify that the attached extract from the minutes of the _____ meeting of the _____

of said _____, held on _____, is a true and correct copy of the original minutes of said meeting on file and of record insofar as said original minutes relate to the matters set forth in said attached extract, and I do further certify that the copy of the Resolution appearing in said attached extract is a true and correct copy of such Resolution adopted at said meeting and on file and of record.

In testimony whereof, I have hereunto set my hand and the seal of said _____ this _____ day of _____, 19____.

[SEAL]

NOTE: This form of resolution is adaptable to any resolution required in the submission of a Project Request, Project Application, Grant Agreement, or the execution of a contract on behalf of the public agency in connection with a project for airport development and for which Federal aid is sought.

[F. R. Doc. 47-199; Filed, Jan. 8, 1947; 8:46 a. m.]

PART 555—ACQUISITION BY PUBLIC AGENCIES FOR PUBLIC AIRPORT PURPOSES OF LANDS OWNED OR CONTROLLED BY THE UNITED STATES

Acting pursuant to the authority vested in me by section 16 of the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.), I hereby adopt a new part, Part 555, of the regulations of the Administrator of Civil Aeronautics to read as follows:

- Sec. 555.1 Definitions.
- 555.2 Purpose of regulations.
- 555.3 Requests for conveyance required.
- 555.4 Public agencies eligible to file requests for conveyance.
- 555.5 Form and content of requests for conveyance.
- 555.6 Place of filing requests for conveyance.
- 555.7 Findings and recommendations of the Regional Administrator.
- 555.8 Determination by the Administrator.
- 555.9 Determination by the head of the controlling department or agency.
- 555.10 Conveyances.
- 555.11 Covenants, reservation clause, and reverter clause in instruments of conveyance.

AUTHORITY: §§ 555.1 to 555.11, inclusive, issued under sec. 16, 60 Stat. 170, Pub. Law 377, 79th Cong.

§ 555.1 *Definitions.* (a) All terms used in this part which are defined in the Federal Airport Act and are not defined in paragraph (b) of this section shall have the meaning given to them in the act.

(b) As used in this part, unless the context otherwise requires, the following terms shall have the meaning indicated:

(1) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(2) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(3) "Regional Administrator" means the directing head of a regional office of the CAA or his duly authorized representative.

(4) "District Airport Engineer" means the directing head of a district office of

the airports branch of a CAA regional office or his duly authorized representative.

(5) "Department or agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(6) "Lands owned by the United States" means any lands in which the United States or any department or agency has title.

(7) "Lands controlled by the United States" means any lands not owned by the United States or a department or agency, the use of which is subject to the approval of the United States or any department or agency.

(8) "Property interest" means the title to or any other interest in land or any easement through or other interest in air space.

§ 555.2 *Purpose of regulations.* The regulations of this part apply to the acquisition by public agencies, under section 16 of the Federal Airport Act, of property interests in lands owned or controlled by the United States, the use of which is necessary either for carrying out a project under the Federal-aid Airport Program authorized by the act, or for the operation of a public airport. Section 16 of the act provides that if the Administrator determines that the use of any such lands is reasonably necessary for carrying out a project under the Federal-aid Airport Program or for operation of a public airport, he shall request the head of the department or agency having control of such lands to convey to the public agency sponsoring the project in question or owning or controlling the airport, such a property interest therein as he may deem necessary. The head of such department or agency is directed to determine whether the requested conveyance is inconsistent with the needs of the department or agency, and upon his determination that the requested conveyance is not so inconsistent is authorized and directed, with the approval of the President and the Attorney General of the United States, and without expense to the United States, to make the conveyance requested.

§ 555.3 *Requests for conveyance required.* Any public agency which desires to acquire, under section 16 of the Federal Airport Act, a property interest in lands owned or controlled by the United States, and which is eligible under § 555.4 shall file with the Administrator through the District Airport Engineer a request for conveyance as provided in §§ 555.5 and 555.6.

§ 555.4 *Public agencies eligible to file requests for conveyance.* (a) A public agency shall be eligible to file with the Administrator a request for conveyance to it of a property interest in any lands owned or controlled by the United States, only if such public agency meets the following requirements:

(1) The public agency must be a state, the Territory of Alaska, the Territory of Hawaii, or Puerto Rico, or any agency

of any of them; a municipality or other political subdivision; or a tax-supported organization.

(2) The public agency must be planning to use the lands in question for or in connection with (i) the development of a public airport as a project under the Federal-aid Airport Program, or (ii) the improvement, development, or protection of an existing public airport, whether or not work in connection therewith is to be done as a project under the Federal-aid Airport Program, or (iii) the establishment or construction of a new public airport, whether or not work in connection therewith is to be done as a project under the Federal-aid Airport Program.

(3) The agency must have the legal power and authority to accept the conveyance requested; to engage in any airport development, improvement, or construction necessary to derive full benefit from the conveyance requested; to establish, operate, and maintain the proposed or existing airport; and to raise the funds necessary to accomplish the proposed development, improvement, or construction and to finance the operation and maintenance of the airport.

(4) The public agency must have sufficient funds available or be able to obtain sufficient funds, to defray the costs of any development, improvement, or construction which may be necessary to derive reasonable benefit from the conveyance requested, and to operate and maintain the proposed or existing airport.

(5) The public agency must not be in default on any obligation to the Government relative to the development, operation, or maintenance of an airport.

§ 555.5 *Form and content of requests for conveyance.* (a) No special form is required for a request for conveyance under the regulations of this part. However, sufficient facts must be given in order to enable the Administrator to determine that the public agency making the request is eligible to do so, that the use of the lands requested is reasonably necessary for carrying out a project under the Federal-aid Airport Program or for the operation of a public airport, and what property interest therein will be required to accomplish such purpose.

(b) In any event, each public agency filing a request for conveyance must submit with its request, or furnish as soon thereafter as possible, the following information if applicable and available or procurable, together with any further information that may be requested by the Administrator:

(1) Name and address of the public agency requesting the conveyance.

(2) Name, location, and ownership of the subject airport. If the airport is not in existence, the proposed name, the approved location, and the prospective ownership of the airport should be indicated. If the airport is in existence and is being operated under a lease or agreement from the requesting public agency, a copy of such lease or agreement should be submitted.

(3) Statement of the legal power and authority, and financial ability of the requesting public agency to develop, im-

prove, construct, establish, operate, and maintain the subject airport.

(4) Name of the Federal agency owning or having control of the lands requested.

(5) Legal description and acreage of the lands requested.

(6) Description of the specific property interest (title, a leasehold estate, an easement, a permit or license, or an easement or other interest in air space) necessary to meet the needs of the requesting public agency.

(7) Complete justification of the need for acquisition of the property interest in question, supported by such maps, charts, photographs, or documents as may be necessary to show the necessity for the use of the lands requested. If the use of other lands might be suitable to meet the needs of the requesting agency, the particular advantages of the Federally owned lands over such other suitable lands should be explained.

(8) A statement as to the plans and commitments which have been made concerning the financing or accomplishment of any development, improvement, or construction requiring the use of the lands or the property interest requested. An estimated date at which the use of the subject lands or interest will be required should be stated.

(9) The status of any project for the development of the subject airport under the Federal-aid Airport Program.

(c) Each request for conveyance shall state that the requesting public agency has the legal power and authority to accept a conveyance subject to covenants and conditions such as those contemplated by § 555.11.

(d) Each request shall be signed and verified by an officer of the requesting public agency duly authorized and designated to file such request for and on behalf of the requesting public agency.

§ 555.6 *Place of filing requests for conveyance.* A request for conveyance of a property interest in lands owned or controlled by the United States must be filed in quadruplicate with the District Airport Engineer for the area in which such lands are located.

§ 555.7 *Findings and recommendations of the Regional Administrator.* The Regional Administrator will consider each request for conveyance and forward such request with his findings and recommendations to the Administrator.

§ 555.8 *Determination by the Administrator.* The Administrator will review each request for conveyance together with the findings and recommendations of the Regional Administrator and will determine whether or not the requesting public agency is eligible, and a conveyance is proper, under section 16 of the act and the regulations of this part. In the event such determination is in the affirmative, the Administrator will request the head of the department or agency having control of the lands in question to convey to the requesting public agency such a property interest in the lands as he may deem necessary. In all cases, it will be requested that the conveyance be made without consideration

other than the benefits to accrue to the public and the United States by virtue of the use of the lands for public airport purposes. In addition, the Administrator will request that the instrument of conveyance include certain covenants and clauses as provided in § 555.11.

§ 555.9 *Determination by the head of the controlling department or agency.* The act provides that the head of any department or agency having control of lands owned or controlled by the United States, upon receipt of a request from the Administrator that an interest in such lands be conveyed to a public agency for airport purposes, shall determine whether the requested conveyance is inconsistent with the needs of the department or agency and shall notify the Administrator of his determination within a period of four months after receipt of the Administrator's request.

§ 555.10 *Conveyances.* The Act provides that if the head of a department or agency determines that a requested conveyance is not inconsistent with the needs of that department or agency, such department or agency head is authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested.

§ 555.11 *Covenants, reservation clause, and reverter clause in instruments of conveyance.* (a) The Administrator, in a request to the head of a department or agency for the conveyance of a described property interest in lands owned or controlled by the United States, will request that the instrument of conveyance contain certain covenants, a clause reserving fissionable materials to the United States, and a reverter clause, as follows:

(1) *Covenants.* The Administrator will request the inclusion in an instrument of conveyance of such covenants as he may deem necessary in the specific case involved to assure operation as a public airport of the airport benefited by the use of the lands in question, and in addition, a covenant that any subsequent transfer of the property interest conveyed shall be subject to all of the covenants, conditions, and limitations contained in the said instrument of conveyance. In the event that the airport is to be entirely or in substantial part developed or established on the lands in question, the Administrator will request inclusion in the instrument of conveyance of all covenants which the grantee would be obliged to enter into as the sponsor of a project in the Federal-aid Airport Program if the airport were to be developed under that program.

(2) *Clause reserving fissionable materials.* The Administrator, pursuant to Executive order of the President 9701, dated March 4, 1946 (11 F. R. 2369), will request the inclusion in an instrument of conveyance of a clause reserving to the United States all fissionable materials in the lands in question, together with the right, at any and all times, upon reasonable notice, to enter upon the

lands and prospect for, mine, and remove such materials.

(3) *Reverter clause.* The Administrator will request that the instrument of conveyance include a provision that the conveyance is made on the condition that the property interest conveyed shall automatically revert to the United States, if the Administrator determines that the proposed items of airport development, improvement, or construction are not commenced within a reasonable period of time or that such proposed items of development, improvement, or construction are not diligently prosecuted to completion, or that the lands in question have ceased to be used, or have ceased to be necessary for use, in connection with airport purposes.

This part shall become effective upon publication in the *FEDERAL REGISTER*.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-200; Filed, Jan. 8, 1947;
8:47 a. m.]

PART 560—CLAIMS FOR REIMBURSEMENT FOR REHABILITATION OR REPAIR OF PUBLIC AIRPORTS DAMAGED BY FEDERAL AGENCIES

The purpose of this part of the regulations of the Administrator of Civil Aeronautics is to establish standards and outline procedures which will enable public agencies to file claims for reimbursement of the cost of necessary rehabilitation or repair of public airports, under the control or management of such public agencies, substantially damaged by any Federal agency. The basis for this part is found in section 17 of the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.) pursuant to which the Administrator is instructed to prescribe regulations in accordance with which (regulations) he is authorized, on behalf of the United States, to consider, ascertain, adjust and determine such claims, and to certify to Congress as a claim against the United States such amount as he may find to be due to any claimant.

It appearing that this part in its proposed form was submitted to and discussed with interested parties and organizations at a public hearing held for that purpose, notice of which (hearing) was published in the *FEDERAL REGISTER* (11 F. R. 12221); interested parties and organizations were given an opportunity to present their views at that hearing and to file briefs and memoranda subsequent thereto; all such views, briefs, and memoranda were considered in the final preparation of this part which, in its present form as compared to its proposed form discussed at public hearing, contains changes of only a minor nature which will not impose any burdens upon interested parties and organizations; the parties and organizations affected by this part will be greatly benefitted by its being made effective without delay; in view of the foregoing, sufficient notice and public procedure have been afforded to interested parties and organizations, and further notice or public procedure would serve no useful purpose; and that any

further notice and proceedings would serve only to delay the issuance of this part of the regulations of the Administrator which it is in the public interest and benefit to adopt at this time.

And finding that further notice and public procedure provided for in sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary with respect to this part; and that good cause exists to declare this part effective immediately pursuant to section 4 (c) of that act.

Now therefore, acting pursuant to the authority vested in me by section 17 of the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.) I hereby adopt a new part, Part 560, of the regulations of the Administrator of Civil Aeronautics to read as follows:

- Sec.
- 560.1 Definitions.
- 560.2 Purpose of regulations.
- 560.3 Eligible claims.
- 560.4 Eligible claimants.
- 560.5 Eligible airports.
- 560.6 Time limitations.
- 560.7 Eligible rehabilitation or repair.
- 560.8 Amount of reimbursement.
- 560.9 Claims filed with other Federal agencies.
- 560.10 Form and content of claims.
- 560.11 Filing of claims.
- 560.12 Consideration and determination of claims.
- 560.13 Certification of claims to Congress.
- 560.14 Penalties.

AUTHORITY: §§ 560.1 to 560.14, inclusive, issued under sec. 17, Pub. Law No. 377, 79th Cong., 60 Stat. 170.

§ 560.1 *Definitions.* (a) All terms used in this part which are defined in the Federal Airport Act and are not defined in paragraph (b) of this section shall have the meaning given to them in the act.

(b) As used in this part, unless the context otherwise requires, the following terms shall have the meaning indicated:

(1) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(2) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(3) "Regional Administrator" means the directing head of a regional office of the CAA or his duly authorized representative.

(4) "District Airport Engineer" means the directing head of a district office of the airports branch of a CAA regional office or his duly authorized representative.

(5) "Federal agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Government of the United States, or any corporation wholly owned (either directly or indirectly through one or more corporations) by the United States.

(6) "Claimant" means a public agency which files with the Administrator a claim for reimbursement for the rehabilitation or repair of a public airport pursuant to section 17 of the Federal Airport Act.

(7) "Damaged area" means any airport area where damage has occurred, for the repair or rehabilitation of which reimbursement is claimed under the regulations of this part.

(8) "Damaged facility" means any airport building or other airport facility which has suffered damage, for the repair or rehabilitation of which reimbursement is claimed under the regulations of this part.

(9) "Rehabilitation or repair" means any repair, restoration, or reconstruction of a damaged area or damaged facility either to its condition prior to damage or to a better condition and any construction or improvement of an airport area or facility replacing or supplementing a damaged area or damaged facility.

(10) "Reimbursement" means the payment of money to a claimant for sums expended by it or on its behalf for rehabilitation or repair.

§ 560.2 *Purpose of regulations.* The regulations of this part apply to claims for reimbursement under section 17 of the Federal Airport Act for the necessary rehabilitation or repair of public airports substantially damaged by Federal agencies. That section authorizes the Administrator to consider, ascertain, adjust, and determine, in accordance with regulations prescribed by him, any claim submitted by any public agency for reimbursement of the cost of necessary rehabilitation or repair of a public airport, under the control or management of such public agency, substantially damaged by any Federal agency, and to certify to Congress as a claim against the United States such amount as he may find to be due to any claimant. Section 17 further authorizes appropriations for the payment of claims so certified to Congress.

§ 560.3 *Eligible claims.* No claim made under the regulations of this part will be certified by the Administrator to Congress for payment in whole or in part unless such claim is eligible as provided herein. In order to be eligible, a claim (a) must be filed by an eligible claimant (see § 560.4); (b) must cover damage to an eligible airport (see § 560.5); (c) must be filed within certain time limitations (see § 560.6); and (d) must cover eligible rehabilitation or repair (see § 560.7).

§ 560.4 *Eligible claimants.* To be eligible to file a claim, a claimant must meet the following requirements:

(a) The claimant must be a state, the Territory of Alaska, the Territory of Hawaii, or Puerto Rico, or an agency of any of them; a municipality or other political subdivision; or a tax-supported organization;

(b) The claimant must have control or management of the airport to which the claim relates at the time of filing the claim.

§ 560.5 *Eligible airports.* (a) To be eligible as the subject of a claim, an airport must meet the following requirements:

(1) The airport must be located in the continental United States, the Territory of Alaska, the Territory of Hawaii, or Puerto Rico;

(2) The landing area of the airport must be owned by a public agency at the time the claim is filed and must have been owned by a public agency at the time the damage occurred;

(3) The airport must be used, or intended to be used, by and for the benefit of the public at the time the claim is filed, must be under the control of a public agency at such time, and must have been used for public purposes, under the control of a public agency, at the time the damage occurred; and

(4) If the airport was damaged while owned by the United States or a Federal agency, the nucleus of such airport must have been owned by a non-Federal public agency, and used for airport purposes, prior to its acquisition by the United States or by a Federal agency.

(b) To meet the requirements of paragraph (a) of this section, it is not necessary that the public agency controlling an airport be the public agency owning its landing area, or that the public agency controlling an airport, or owning its landing area, at the time a claim is filed, be the public agency which controlled the airport, or owned the landing area, at the time the damage occurred.

(c) If an airport is operated by a private person or concern under a lease or contract from a public agency, such airport will be regarded as "used by and for the benefit of the public" and "under the control of a public agency", as required by paragraph (a) (3) of this section, if the airport is being so used and the lease or contract reserves to the public agency sufficient control over the manner in which the airport is operated to permit such public agency to compel its operation for the use and benefit of the public.

§ 560.6 Time limitations. (a) A claim may be filed before, during, or after the accomplishment of the rehabilitation or repair for which reimbursement is claimed. However, if the rehabilitation or repair has not been accomplished at the time a claim is filed, and if such claim is certified to the Congress for payment, the Administrator will recommend to the Congress, as provided in § 560.13 (b), that payments be made only after the repair or rehabilitation has been accomplished and paid for.

(b) No claim will be considered by the Administrator unless such claim is filed within six months after the occurrence of the damage upon which the claim is based: *Provided, however*, That in the event the damage was caused by operations of a military nature during time of war, such notice may be filed within sixty days after the date of termination of the war.

(c) The Administrator will consider a claim based upon damage which occurred prior to approval of the act: *Provided*, That the foregoing time limitations are complied with.

§ 560.7 Eligible rehabilitation and repair. Reimbursement for proposed or completed rehabilitation or repair included in an eligible claim will be recommended by the Administrator to Congress only if and to the extent that such rehabilitation or repair is eligible for reimbursement as provided herein. In order to be eligible, such rehabilitation or repair must meet all of the following requirements, in the opinion of the Administrator:

(a) The rehabilitation or repair must be, or have been, necessary to remedy

substantial damage to an eligible airport caused or permitted by a Federal agency;

(b) The rehabilitation or repair must be, or have been, for the purpose of remedying damage to an area or facility which was owned by the claimant or other non-Federal public agency at the time the damage occurred, unless the area or facility was owned by the United States or a Federal agency at that time, in which case the area or facility must have been owned by the claimant or other non-Federal public agency prior to its acquisition by the United States or a Federal agency;

(c) The rehabilitation or repair must have, or have had, as its principal object the remedying of damage for which the claimant, the airport owner, or any other person or agency has never been adequately compensated, reimbursed, or recompensed by the United States or any Federal agency; and

(d) The circumstances must be such that reimbursement would be in the public interest.

§ 560.8 Amount of reimbursement. In certifying an eligible claim to Congress, the Administrator will recommend that the claimant be reimbursed for eligible rehabilitation or repair in such amount as he determines to be due as reimbursement for sums expended in payment of costs incurred by the claimant in accomplishing such rehabilitation or repair. In determining the amount due with respect to any particular item of eligible rehabilitation or repair, the Administrator will be guided by the following principles:

(a) If the damage occurred while the airport was in the possession or control of the United States or a Federal agency, reimbursement should be made in an amount equal to the reasonable and necessary cost of restoring the damaged area or damaged facility to a condition equivalent to its condition on the date the United States or the Federal agency took possession or assumed control of the airport;

(b) If the damage occurred while the airport was not in the possession or control of the United States or a Federal agency, reimbursement should be made in an amount equal to the reasonable and necessary cost of restoring the damaged area or damaged facility to a condition equivalent to its condition immediately prior to such damage;

(c) The principles stated in paragraphs (a) and (b) of this section should apply whether the damaged area or damaged facility is actually restored to its condition at the time specified or the rehabilitation or repair results in the construction or improvement of a new area or facility or the improvement of the damaged area or damaged facility to a condition better than its condition at the time specified in paragraph (a) or (b) of this section, whichever is applicable, or is accomplished in accordance with higher standards of airport construction than the original construction.

§ 560.9 Claims filed with other Federal agencies. A claim may be filed under the regulations of this part notwithstanding that the claimant has filed

prior thereto a claim with the Federal agency which is directly responsible for the damage. In such cases, however, the claimant must notify the Administrator as to the basis for, and current status of, the prior claim.

§ 560.10 Form and content of claims. (a) No particular form is required for a claim under the regulations of this part. However, each claimant must submit with its claim, or furnish as soon thereafter as possible, as supplementary information, any information necessary to support and prove the claim, including the following, if applicable and available or procurable:

(1) Name and address of claimant.
(2) Name and location of airport.
(3) Ownership of airport at time of filing claim; if claimant or another public agency is operating the airport under a lease, permit, license, or agreement from another public agency, copies of such instrument must be submitted; if a lessee or assignee of the claimant or another public agency is operating the airport, copies of the operating lease or agreement must be submitted.

(4) Extent to which the airport has ever been operated other than for the use and benefit of the public.

(5) Name of Federal agency causing or permitting the damage.

(6) Date or period when damage occurred.

(7) Ownership of airport, damaged areas, and damaged facilities at time damage occurred; if a Federal agency was at that time in possession under a lease or agreement with the claimant or another non-Federal public agency, copies of such documents must be submitted.

(8) Type, extent, and period of operation of the airport by a Federal agency.

(9) Specific cause of the damage.

(10) Extent to which the damage was covered by insurance.

(11) Nature and extent of the damage, illustrated by maps, plans, or photographs.

(12) Nature and current status of any claim filed with a Federal agency, or any litigation arising out of or in connection with the subject damage; copies of any such claim, or the pleading in any such litigation, must be submitted.

(13) Itemized list of all rehabilitation or repair work accomplished, with breakdown of such work by items and cost; vouchers or other evidence of payments made must be submitted, together with maps, photographs, and other pertinent material.

(14) Itemized list of all proposed rehabilitation or repair considered necessary, with an estimate of cost of each item; all available plans or specifications for such work should be submitted.

(b) In addition, each claim must be accompanied by evidence that the public agency controlling the airport has granted authority to the District Airport Engineer or other representatives of the Administrator to inspect the airport and the damaged areas and damaged facilities, to interview representatives of the claimant and the airport owner, and to examine airport records and documents, as may be deemed necessary by such representatives of the Administrator.

(c) Each claim shall be signed and verified by an officer of the claimant duly authorized and designated to file such claim for and on behalf of the claimant.

§ 560.11 *Filing of claims.* All claims shall be submitted to the appropriate District Airport Engineer in quadruplicate. The date of receipt of a claim by the District Airport Engineer will be considered the date on which such claim was filed with the Administrator.

§ 560.12 *Consideration and determination of claims—(a) Consideration by Regional Administrator.* Upon receipt of a claim, the Regional Administrator may request claimant to submit within a reasonable time such additional information or evidence as he may deem necessary. After consideration by him, the Regional Administrator will forward the claim with his findings and recommendations to the Administrator.

(b) *Determination by the Administrator.* The Administrator will consider, ascertain, adjust, and determine each claim submitted. The claimant will be notified in writing of the Administrator's determination of its claim.

§ 560.13 *Certification of claims to Congress.* (a) The Administrator will certify to the Congress as a claim against the United States such amount as he determines to be due any claimant. The certification will include a brief statement of the character of the claim, the amount of the claim, and the amount certified.

(b) If the claim is for completed rehabilitation or repair, the Administrator will recommend that the claimant be paid such amount as is found to be due. If the claim is for proposed rehabilitation or repair in whole or in part, the Administrator will recommend to the Congress that the amount certified be appropriated to the Administrator for disbursement to the claimant as provided herein. Payments from any such fund will be made to the claimant only when eligible rehabilitation or repair has been accomplished and paid for. Upon application by the claimant, progress payments may, in the discretion of the Administrator, be made from such fund as the rehabilitation or repair progresses and is paid for. Each such application shall be submitted to the District Airport Engineer in quadruplicate.

§ 560.14 *Penalties.* Section 80 of Title 18 of the United States Code provides that persons presenting false or fraudulent claims to the United States Government or its officials may be fined not more than \$10,000 or imprisoned not more than ten years, or both.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-201; Filed, Jan. 8, 1947; 8:47 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War, Department of the Interior

PART 602—GENERAL ORDERS AND DIRECTIONS

STATEMENT OF POLICY RELATING TO DIRECTIONS BY SFAW FOR SHIPMENT OF COAL ON THE GOVERNMENT'S EXPORT PROGRAM COMMENCING JANUARY 1, 1947

UNRRA, through the State Department, and the liberated areas of Europe, through the Reconstruction Finance Corporation, have made arrangements for the purchase of a portion of their coal requirements through the facilities of the Bureau of Federal Supply, United States Treasury Department, at prices not in excess of the maximum prices in effect on November 9, 1946.

The Solid Fuels Administration for War will receive offers, each month, as hereinafter provided, from any person who has or will have surplus coal available, and in filling the allocations under this program, will direct shipments to the extent of the tonnage required only of the best coals offered.

Each direction issued by SFAW will, among other things, specify the period within which the authorized shipments must be made, and will set forth the offered price, which the offerer has represented to be not in excess of the maximum price in effect on November 9, 1946.

No change of or departure from the terms of any direction may be made, except upon written approval of the Washington Office of SFAW.

The furnishing of any false or misleading information in connection with the submission of any offer, or the shipment of coal found not to be in substantial conformity with representations made, may result in the immediate cancellation of any unfilled portions of the direction, the rejection of the shipment before dumping into vessels, the withholding of any future directions, and the imposition of such civil and criminal liabilities as may be provided by law.

Offers which have heretofore been received for shipment during January 1947 will be considered in the light of this Statement of Policy, and directions will be issued in accordance herewith, unless such offers shall be withdrawn. Offers for shipment during February 1947, and thereafter, must be submitted on or before the 20th day of the month preceding the month in which shipments will be made, in duplicate, to the SFAW Area Distribution Manager for the area in which the offered coal will be produced, except that in the case of coal produced in Districts 7, 12, 16, 17, 18, 19, 20, 22 and 23, the filings shall be made with the Solid Fuels Administration for War, Washington 25, D. C.

Any offer submitted will be given consideration only if it is accompanied by the following information:

1. Name and address of the person offering the coal for export.

2. The tonnage, by sizes, by mines and by district of origin, of the coal offered.

3. The following information with respect to each mine at which the coal to be supplied will be produced.

(a) Name and address of producer.

(b) Name, mine index number and location of mine, the number of the producing district in which it is located, and the name of the railroad, if any, on which it is located.

(c) Name of seam.

(d) Is mine a deep or strip mine?

(e) Is mine a truck-rail or rail mine?

(f) Is mine equipped with screening facilities?

(g) What was the effective maximum f. o. b. mine price on November 9, 1946, of the coal offered?

(h) What is the price at which the offer is made?

(i) What are the freight rates from mine to loading ports?

(j) Estimated monthly production of each mine at which the offered coal will be produced.

(k) A proximate analysis (moisture, volatile matter, fixed carbon, ash, sulphur, B. t. u., coke index number) representative of the coal that will be supplied, as loaded into transportation facilities at the mine.

(l) The rate at which shipments will be made if the authorization is granted.

This Statement of Policy, effective forthwith, supersedes Statements of Policy issued by SFAW on June 24, 1946, July 12, 1946 and December 11, 1946 (11 F. R. 7128; 11 F. R. 7739; 11 F. R. 14310).

(Sec. 2 (a), 54 Stat. 676, 55 Stat. 236, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 475, 79th Cong.; 41 U. S. C. prec. 1; 50 U. S. C. App. Supp. 1152 (a), 1162, 633, 645; E. O. 9125, Apr. 7, 1942, 7 F. R. 2719; E. O. 9332, Apr. 19, 1943, 8 F. R. 5355)

Issued this 3d day of January 1947.

DAN H. WHEELER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 47-187; Filed, Jan. 8, 1947; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

PART 280—REGULATIONS FOR THE ADMINISTRATION OF FOREIGN CURRENCIES AND CREDITS UNDER DISPOSITIONS OF SURPLUS PROPERTY ABROAD AND LEND-LEASE SETTLEMENTS

Correction

In Federal Register Document 46-21950, appearing on page 14687 of the issue for Friday, December 27, 1946, the following corrections are made:

1. In § 280.1 the reference "section 32 (b) (2) of the Surplus Property Act of 1944" should read "section 32 (b) (1) of the Surplus Property Act of 1944".

2. In § 280.5 (b) the reference "section 32 (b) (1) of the Surplus Property Act of 1944" should read "section 32 (b) (2) of the Surplus Property Act of 1944".

TITLE 32—NATIONAL DEFENSE**Chapter VI—Selective Service System**

[Amdt. 416]

PART 602—SELECTIVE SERVICE PERSONNEL**UNCOMPENSATED SERVICES**

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 602.3 to read as follows:

§ 602.3 *Uncompensated services.* The services of registrars, members of local boards, members of boards of appeal, members of medical advisory boards, government appeal agents and associate government appeal agents, examining physicians, reemployment committeemen, interpreters, and all other persons volunteering their services to assist in the administration of the selective service law shall be uncompensated, and no such person shall accept remuneration from any source for services rendered in connection with selective service matters.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

(54 Stat. 885, 55 Stat. 627, 844, 56 Stat. 1018, 59 Stat. 166; 50 U. S. C. App. Sup. 302 et seq.)

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1947.

[F. R. Doc. 47-203; Filed, Jan. 8, 1947; 8:46 a. m.]

[Amdt. 417]

PART 603—SELECTIVE SERVICE OFFICERS
COMPOSITION AND APPOINTMENT

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 603.22 to read as follows:

§ 603.22 *Composition and appointment.* For each board of appeal area, a board of appeal, normally of five members, shall be appointed by the President, upon recommendation of the Governor. The members shall be male citizens of the United States who are not members of the land or naval forces; they shall be residents of the State in which their board is appointed; and they should be at least 38 years old. The board of appeal should be a composite board, representative of all activities of its district, and as such should include one member from labor, one member from industry, one physician, one lawyer, and, where applicable, one member from agriculture. If the number of appeals sent to one

No. 6—3

board becomes too great for the board to handle without undue delay, additional groups of five members similarly constituted shall be appointed to the board by the President, upon recommendation of the Governor. Each such group shall have full authority to act for the board on all cases assigned to it by the board. Each group shall act separately. An additional member to supervise and coordinate the work of all the groups of a board of appeal may be appointed by the President, upon recommendation of the Governor.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

(54 Stat. 885, 55 Stat. 627, 844, 56 Stat. 1018, 59 Stat. 166; 50 U. S. C. App. Sup. 302 et seq.)

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1947.

[F. R. Doc. 47-204; Filed, Jan. 8, 1947; 8:46 a. m.]

[Amdt. 418]

PART 603—SELECTIVE SERVICE OFFICERS
MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by deleting § 603.41 *Composition, appointment, and duties*, in its entirety.

2. Amend § 603.61 to read as follows:

§ 603.61 *Examining physicians.* The President may appoint, from qualified persons recommended by the Governor, an examining physician, and such additional examining physicians, for each local board as he deems necessary for the examination of the registrants of such local board. Where the Director of Selective Service has designated two or more local boards as a local board group, the State Director of Selective Service may authorize, from the examining physicians appointed for the local boards within such local board group, one examining physician, and, if he deems it necessary, one additional examining physician, to examine the registrants of all the local boards within such local board group. The local board examining physician shall make such examinations in connection with the Veterans' Assistance Program as the local board or local group may request. The State Director of Selective Service may authorize any duly appointed examining physician to examine registrants for any local board within the State.

3. Amend the regulations by deleting § 603.62 *Examining dentists* in its entirety.

4. Amend § 603.63 to read as follows:

§ 603.63 *Disqualification.* No examining physician shall examine for a local board any registrant who is his first cousin or a closer relation, either by blood or marriage, or who is an employee or employer, or stands in relation of superior or subordinate in connection with any employment, or is a partner or close business associate of such examining physician.

The foregoing amendments to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

(54 Stat. 885; 55 Stat. 627, 844; 56 Stat. 1018; 59 Stat. 166; 50 U. S. C. App. Sup. 302 et seq.)

LEWIS B. HERSHEY,
Director.

JANUARY 3, 1947.

[F. R. Doc. 47-205; Filed, Jan. 8, 1947; 8:46 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce**Subchapter B—Export Control**

[Amdt. 286]

PART 801—GENERAL REGULATIONS**PROHIBITED EXPORTATIONS**

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of
Com.
Sched.
B No.

	Commodity
206000	Rubber (natural, allied, gums, and synthetic) and manufactures:
206300	Automobile casings (include retreaded tires and used casings, averaging \$2.00 and over each) (report used casings averaging less than \$2.00 each in 201200):
206400	Truck and bus casings.
206300	Automobile inner tubes (truck and bus included).
206400	Other casings and inner tubes:
206400	Earthmover.
206400	Excavator.
206400	Grader.
206400	Off-the-road.
206400	Tractor.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: January 3, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-193; Filed, Jan. 8, 1947; 8:46 a. m.]

[Amdt. No. 287]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodities:

Dept. of
Comm.
Sched.
B No.

Commodity

- Cotton manufactures:
Cotton cloth (gray), medium and coarse yarn fabrics:
303310 Wider than 40": Drills, twills and warp sateens; tent twill only.
303900 Gray cloth, n. e. s. except broadcloth, canton flannel, cotton and rayon fabric, crepe, dimity, flannel and flannelette, lawn, mitten flannel, napped fabrics, oxford, pique, pocketing twill, poplin, sateen, type-writer ribbon cloth over 12 inches wide, and voile.
Finished cloth, bleached, dyed, printed, stiffened, or otherwise converted, and other colored yarns fabrics:
Printcloth yarn fabrics (all widths):
Printcloth:
305110 Bleached; bunting, treated bunting, and tag cloth only.
305210 Dyed in the piece; bunting and treated bunting only.
305220 Printed; bunting and treated bunting only.
Napped fabrics:
305590 Other napped fabrics in the piece (report cotton flannels, bleached or colored in 305510).
Colored yarn fabrics:
306100 Colored yarn fabrics, n. e. s. except La Fuente Chamberlay, seersucker, mattress ticking, silesia and plisse gingham.
Fine goods and combed cotton fabrics (bleached, dyed, printed, flockdot or clipped):
307300 Marquisettes, combed.
307400 Combed and carded goods, n. e. s. except broadcloth, diaper cloth, dimity, lawn, oxford and oxford shirtings, pique, poplin, sateen, seersucker, shoe buckram, suiting, and type-writer ribbon cloth bleached, over 12 inches wide.
307800 Cotton and wool mixtures (cotton chief value, not less than 80% cotton by weight).
Other cotton fabrics:
308200 Table damask in the piece.
308400 Tapestry and other upholstery and drapery materials, plain, Jacquard and dobby-woven.
308700 Plushes.
308800 Other pile fabrics except corduroy, terry cloth and terry toweling.
308950 Cotton remnants and fabrics, n. e. s. sold by the pound of 2 yds. and over but less than 10 yds. in length.
Cotton wearing apparel:
309000 Handkerchiefs.
Garments of woven fabrics:
311300 Men's and boys' jackets and windbreakers.
311400 Overalls, breeches, pants, aprons, and men's work clothing, n. e. s. (report shirts in 311710).

Dept. of
Comm.
Sched.
B No.

Commodity

- Cotton manufactures—Continued
Cotton wearing apparel—Con.
Garments of woven fabrics—Continued
311500 Nightwear, men's and boys'.
311610 Underwear, men's and boys'.
311720 Shirts, men's and boys', except dress shirts (report work shirts in 311710).
312000 Clothing, men's and boys' of woven fabrics, n. e. s.
312200 Women's dresses and ensembles (include eyelet, velveteen and lace) (one-, two- and three-piece as one unit).
312400 Women's and children's underwear and nightwear, not knit, except diapers.
312700 Children's outerwear, not knit.
312900 Women's apparel of woven fabrics, n. e. s. (include blouses, skirts, bathrobes, uniforms and washable apparel, n. e. s.).

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: January 3, 1947.

FRANCIS MCINTYRE,

Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-194; Filed, Jan. 8, 1947;
8:47 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, as Amended Jan. 8, 1947]

RESTRICTED PRIORITIES ASSISTANCE

§ 944.49 *Priorities Regulation 28—(a) Purpose of this regulation.* This regulation describes the very limited scope of priorities assistance which will be granted in the future. It is designed to cover only the brief period of time which is expected to exist before all such priorities assistance will end.

In line with the announced policy of restoring normal buyer-seller relations as soon as possible, the issuance of CC ratings will be limited to cases of non-deferrable need for the military services, cases in connection with the Veterans' Emergency Housing Program, cases of public emergency and a few other excep-

tional situations mentioned below. CC ratings will no longer be granted for production materials, MRO, capital equipment or construction materials or equipment for the purpose of starting or maintaining any individual plant or business at a minimum economic rate, or to alleviate individual hardship. In addition, general priorities assistance will no longer be given to manufacturers of those products which were formerly listed as critical on Schedule I to this regulation, which has been revoked. CC ratings for export will be granted under this regulation only in rare cases falling under the rules explained in paragraph (d).

In view of the revised terms of the regulation itself drastically curtailing the assignment of CC ratings for all materials, most of the former directions to this regulation which contained similarly restrictive provisions for certain materials, have been revoked as no longer necessary. Provisions in directions which imposed a limit on the quantity of CC rated orders for certain materials which a supplier had to schedule for shipment are in paragraph (e). The directions still in effect are listed at the end of this regulation.

Priorities Regulation 28A, under which special assistance was formerly granted for textile yarn and fabric, has also been revoked. Assistance for these materials from now on will be granted only under the very limited conditions of this regulation.

(b) *Exceptional cases when CC ratings may be assigned.* (1) If all the conditions of paragraph (b) (2) below are met, CC ratings may be granted in the following limited cases:

(i) Where an item is needed to fill a military order which cannot be deferred without serious results to the defense program or to the health and welfare of the enlisted personnel (In this case a certification from the responsible military agencies recommending the issuance of a CC rating is required); or

(ii) Where an item is needed to provide essential utility services or, in an emergency, to eliminate serious hazard to the life, health or safety of a large number of people; or

(iii) Where an item is required in connection with the Veterans' Emergency Housing Program under the following conditions (no ratings will be issued for the purchase of specialized machinery or for an item to be incorporated in construction):

I. To maintain or increase the production of a building material or product which is determined to be in critically short supply; or

II. For capital equipment (except for site preparation equipment) which is a bottleneck in the production or erection of housing accommodations.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), a CC rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraphs (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *How to apply for a CC rating.* Applications for a CC rating under this regulation for uses in the United States, its territories and possessions should be made on Form CPA-541A addressed to the Civilian Production Administration, Washington 25, D. C., Ref: PR-28. Since CC ratings will no longer be given to support a minimum economic rate of production or to give special help to small business or the business needs of veterans, no questions on Form CPA-541A need be answered which were designed for such cases. For example, Questions 7b, 13, and 16 on Form CPA-541A (as revised 4-23-46) may be left unanswered. On the other hand, supporting data required by Item 14 is of major importance and should clearly show how the application qualifies under paragraph (b) above.

(d) *CC ratings for export*—(1) *For Canada.* In the case of materials for export to Canada applications should be filed with the Priorities Officer of Canada, Ottawa, Canada and will be handled on the same basis as United States applications.

(2) *Other exports.* In the case of other exports, upon demonstration that a rating is required CC ratings may be assigned for procurement in this country of minimum quantities of materials necessary to the restoration, development and maintenance of foreign sources of supplies vitally needed in this country; or in other exceptional cases for reasons of public policy. Applications for such ratings should be made to the Office of International Trade, Department of Commerce, Washington 25, D. C., on Form CPA-541A.

(e) *Limit on required acceptance of CC ratings for certain products.* For the products listed below CC ratings which have been assigned in the past might take an undue proportion of a producer's limited supply. To avoid this unfair impact, no manufacturer of any of these items need accept or fill a CC rated order for any such item if it would cause him to deliver on CC rated orders in any calendar month more than 50% of his total deliveries of that item in that month on all orders, both rated and unrated:

(1) The following items of textile machinery:

(i) Women's full fashioned hosiery machinery (30 and 32 section machines only).

(ii) Button sewer machine units.

(iii) Buttonhole machinery.

(iv) 36" high post sewing machines.

(2) The following items of bottling equipment for non-alcoholic beverages:

(i) Filler-Crowners, with rated capacity of 75 cases and under per hour.

(ii) Carbonators, with rated capacity of 300 gallons and under per hour.

(iii) Bottle Washers (Soakers) with rated capacity of 120 cases and under per hour.

(3) The following miscellaneous items:
(i) Cylinders for low-pressure gas (20 lb. and 100 lb. sizes only).

(f) *Existing CC ratings remain valid.* Nothing in this amendment of Priorities Regulation 28 of January 8, 1947 affects the validity of CC ratings granted before then. All orders bearing such CC ratings as well as those with CC ratings assigned under this amended regulation must be accepted and filled in accordance with the Priorities Regulations.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

DIRECTIONS TO PR-28

The following directions to PR-28 are still in effect (January 8, 1947):

Direction 6 (amended January 8, 1947) Use of CC ratings for trucks.

Direction 18 (amended November 4, 1946) CC ratings for iron castings and steel.

Direction 20 (amended January 8, 1947) Restrictions on use of ratings for equipment to establish veterans in business.

[F. R. Doc. 47-246; Filed, Jan. 8, 1947; 11:05 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Revocation of Schedule I]

CRITICAL PRODUCTS

Schedule I to Priorities Regulation 28 is revoked. This revocation does not affect any liabilities incurred for violation of this schedule or of actions taken by the Civilian Production Administration under this schedule.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-251; Filed, Jan. 8, 1947; 11:08 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 6, as Amended Jan. 8, 1947]

USE OF CC RATINGS FOR TRUCKS

The following amended direction is issued pursuant to Priorities Regulation 28:

(a) *Purpose of this direction.* The purpose of this direction is to restrict the use of CC ratings which have been assigned for new trucks. This direction no longer provides special rules for the assignment of CC ratings for trucks and the general rules in Priorities Regulation 28 as amended January 8, 1947 apply.

(b) *Definition of truck.* For the purpose of this direction "truck" means any new light, medium or heavy motor truck, truck-tractor or the chassis therefor, or any chassis on which a bus body is to be mounted and which (1) was designed to be propelled or drawn by mechanical power; (2) was designed for use on or off-the-highway, for transportation of

property or persons. This definition includes vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, bus chassis, carry-all suburbans, sedan deliveries and cab pickups, but does not include station wagons, coupes fitted with pickup boxes, ambulances, hearses, taxicabs and integral type busses.

Note: Former paragraph (c) deleted and former paragraph (d) redesignated (c) Jan. 8, 1947.

(c) *Limitation on use of CC ratings.* CC ratings may be used only to purchase new trucks from a distributor or dealer. Notwithstanding the provisions of PR-3, a distributor or dealer may not extend a CC rating.

(e) [Deleted Jan. 8, 1947.]

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-248; Filed, Jan. 8, 1947; 11:05 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Revocation of Directions 13-17, 19, 21, 23 and 24]

The following published directions to Priorities Regulation 28 are hereby revoked, since they are superseded by that regulation amended simultaneously with this revocation:

Direction 13.
Direction 14.
Direction 15.
Direction 16.
Direction 17.
Direction 19.
Direction 21.
Direction 23.
Direction 24.

These revocations do not affect any liabilities incurred for violation of these directions, or of actions taken by the Civilian Production Administration under these directions.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-249; Filed, Jan. 8, 1947; 11:06 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 20, as Amended Jan. 8, 1947]

RESTRICTION ON USE OF RATINGS FOR EQUIPMENT TO ESTABLISH VETERANS IN BUSINESS

The following amended direction is issued pursuant to Priorities Regulation 28:

(a) Under this Direction the Civilian Production Administration formerly assigned preference ratings for the assistance of veterans seeking to establish new businesses. It appears that in some cases, veterans are

RULES AND REGULATIONS

being used as "fronts" by presently established firms or other persons who are not themselves eligible for rating assistance. Since in many fields available equipment is entirely inadequate to satisfy the demand, it is essential that preferential treatment accorded to veterans not be used illegitimately to obtain equipment by other persons. Consequently, this direction provides for certain special limitations on the use of ratings assigned for equipment, and on the use of equipment obtained with the ratings.

(b) *Policy on issuance of ratings.* CC ratings are no longer issued under this direction, but only under the provisions of Priorities Regulation 28 as amended January 8, 1947. CC ratings were formerly issued to veterans under this direction to obtain equipment to establish new businesses only on a showing of all the following circumstances:

(1) The veteran, or group of veterans, would actively control the business by having at least a 50% interest in the profits and by all being actively engaged in the operation of the business;

(2) The equipment would be installed in premises which the veterans (or the corporation or partnership which they control under the rule in (1) above) own or lease, or have made definite arrangements to buy or lease; and

(3) The premises where the equipment is to be installed are separate from the premises of any established business in the same line.

(c) *Restrictions on use of rating.* For CC ratings assigned under this Direction, the Civilian Production Administration 541A authorization stated that the ratings were "subject to Direction 20 to Priorities Regulation 28". Whenever a person uses such a CC rating he must state in writing on his purchase order, in addition to the certification required by Priorities Regulation 3, that the rating was assigned under Direction 20 to PR-28. In addition, no person may use a CC rating assigned under this direction to get machinery or equipment except under the conditions described in paragraph (b). Where such conditions change after the assignment or use of the CC rating, the person to whom the rating was assigned must immediately cancel any use of the rating and return his authorization to the Civilian Production Administration.

(d) *Restrictions on use of equipment.* (1) During the three months after machinery or equipment is received on a CC rating assigned under this direction, it may be used only if the conditions set forth in paragraph (b) remain valid, unless otherwise specifically authorized by the Civilian Production Administration.

(2) Any item of machinery or equipment obtained with a rating assigned under this direction may not, without specific authorization by the Civilian Production Administration, be sold or otherwise disposed of within three months after the machinery is received.

(e) *Exceptions.* Exceptions from the provisions of this direction may be granted by the Civilian Production Administration. Requests for exceptions must be by letter, in duplicate, to Special Assistance Division, Civilian Production Administration, Washington 25, D. C., describing the special circumstances of the veteran which are the basis for requesting the exception, and indicating the steps which the veteran will take to prevent the diversion of the new equipment to sources not eligible for priorities assistance.

(f) *Applicability.* This direction applies only to ratings assigned to veterans where the authorization Form CPA-541A states "subject to Direction 20 to PR-28". How-

ever, in the case of any rating assigned to a veteran before or after October 7, 1946, where a supplier believes that the conditions of paragraph (b) do not apply, he may delay filling the rated order provided that he promptly notifies his customer of his action, and notifies the Civilian Production Administration (Ref: Special Assistance Division) of the facts on which he bases his belief. The Civilian Production Administration will take appropriate action either by cancelling the rating (after contacting the veteran to ascertain the facts) or by notifying the supplier to fill the order.

(g) *Who is a "veteran".* A "veteran" under this Direction means any person who was in the Army, Navy, Marine Corps or Coast Guard on or after September 16, 1940, and was discharged or released under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(h) *Communications.* All communications concerning this direction should be addressed to the Civilian Production Administration, Special Assistance Division, Washington 25, D. C., Ref: Direction 20 to PR 28.

NOTE: The application and reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-247; Filed, Jan. 8, 1947;
11:05 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28A, Revocation]

SPECIAL PROVISIONS FOR THE ASSIGNMENT OF CC RATINGS FOR COTTON, SYNTHETIC AND WOOL FABRIC AND YARNS

Section 944.49a *Priorities Regulation* 28A is revoked. It is superseded by Priorities Regulation 28, as amended January 8, 1947. Preference ratings assigned under Priorities Regulation 28A remain in full force and effect and are not affected by this revocation.

This revocation does not affect any liabilities incurred for violation of the regulation or of actions taken by the Civilian Production Administration under the regulation.

Issued this 8th day of January 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-250; Filed, Jan. 8, 1947;
11:07 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2, Amdt. 1]

PART 8302—DISPOSAL OF SURPLUS PER- SONAL PROPERTY TO PRIORITY CLAIM- ANTS

War Assets Administration Regulation 2, November 27, 1946, entitled "Dis-

posal of Surplus Personal Property to Priority Claimants" (11 F. R. 14267) is hereby amended in the following respects:

1. Section 8302.4 is amended by deleting paragraph (b) thereunder and substituting the following in lieu thereof:

(b) In disposing of property to veterans under this section, disposal agencies may establish the maximum and minimum quantities which may be acquired by any one veteran at any one time during a given period of time. When the supply of any type of surplus property offered at any time will be insufficient to fill the orders of the eligible veterans, equitable distribution among such veterans may be accomplished (1) on a first-come, first-served basis in fixed price sales or (2) on such other basis as shall be approved by the Administrator; *Provided*, That in any method adopted there shall be equitable distribution among veterans desiring to acquire property for their own personal use and veterans desiring to acquire it for business, professional, or agricultural use. In giving public notice of availability of any property, disposal agencies shall specify the method by which distribution of such property will be made among veterans.

2. Exhibit A of this part, "Property to be set aside for Veterans," is amended by changing the description under "Motors" (Commodity Code Classification 90 3130) to read as follows:

Fractional horsepower motors include all 110 and 220 volt, single phase, alternating current and direct current, standard listed ratings.

This amendment shall become effective January 9, 1947.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. 1614a, 1614b) and Executive Order 9689 (11 F. R. 1265))

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 6, 1947.

[F. R. Doc. 47-281; Filed, Jan. 8, 1947;
11:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICE- MEN'S READJUSTMENT ACT OF 1944

ADJUSTMENTS AND AUTHORIZATIONS OF SUBSISTENCE ALLOWANCE

1. Paragraph (b) (iii) of § 36.203 (9 F. R. 10502) is hereby revoked and superseded as follows:

§ 36.203 *Jurisdiction as to award of subsistence allowance.* * * *

(b) * * *

(iii) The \$65 or the \$90 rate of subsistence allowance will be authorized according to the assertion of the veteran

on his application for education or training, except that the \$90 rate will not be authorized based upon the assertion of dependency of a parent, but the veteran will be informed of the necessity to submit competent proof of dependency, and that until such competent proof is received in the Veterans' Administration subsistence allowance on the basis of dependency of a parent will not be authorized. If competent evidence of dependency of a parent is received within one year of date of request therefor, subsistence allowance paid upon the dependency may be authorized as from the effective date of the receipt of the application.

(a) Where the \$90 rate is authorized on the basis of the assertion in the veteran's application, he will be informed of the necessity to submit formal proof of relationship or dependency, and that in the event it is not submitted within 60 days subsistence allowance will be au-

thorized on the basis of a veteran without a dependent from the effective date of the original authorization.

(b) In the event claimant's application is not complete, he will be advised of the evidence necessary to complete the application, and if such evidence is not received within one year from the date of request therefor, increased subsistence allowance on the basis of dependency will not be paid by virtue of that application.

(c) In any case where the application of a veteran contains his assertion of a dependent or dependents of any class, and it is shown that the course of education or training entered by the veteran will be of 90 days or less duration, subsistence allowance will not be authorized in the amounts provided on the basis of dependency in the absence of competent evidence establishing relationship or dependency.

(d) Except as provided in § 36.272 (f) (1) (11 F. R. 9805), relating to reductions in rates of subsistence allowance under the circumstances stated, all reductions and discontinuances of subsistence allowance for whatever reason will be in accordance with the facts found in any case, subject to the governing regulations and procedures applicable to waivers and recoveries. (58 Stat. 284; Pub. Law 679, 79th Cong.; 38 U. S. C. 693.)

2. Paragraphs (c) and (d) of § 36.205 Awards of subsistence allowance and effective date (9 F. R. 10502, 10 F. R. 12005) are hereby revoked.

(58 Stat. 284; 38 U. S. C., Sup. ch. 11c)

[SEAL]

OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans' Affairs.

DECEMBER 18, 1946.

[F. R. Doc. 47-195; Filed, Jan. 8, 1947; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SA-134]

ACCIDENT NEAR MICHIGAN CITY, IND.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 15577 which occurred near Michigan City, Ind. on December 28, 1946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-mentioned proceeding that hearing is hereby assigned to be held on Tuesday, January 14, 1947, at 9:30 a. m. (local time) in Room 582 Old Post Office at 225 South Clark Street, Chicago, Illinois.

Dated: Washington, D. C., January 6, 1947.

[SEAL]

W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 47-180; Filed, Jan. 8, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-669]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING ON REOPENED PROCEEDINGS FOR LIMITED PURPOSES

JANUARY 3, 1947.

It appearing to the Commission that: On December 30, 1946, by its order of that date the Commission reopened the record in the above-entitled proceeding limited to "the receipt of further evidence with respect to subdivision (viii) of paragraph (b) of the Commission's order of November 30, 1946, as modified by order of December 14, 1946";

The Commission orders that:

(a) A hearing in this proceeding be held commencing at 10:00 a. m. (e. s. t.),

on January 15, 1947, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., limited to the receipt of evidence with respect to the above-mentioned subdivision (viii) of paragraph (b), to the extent indicated in the Commission's order of December 30, 1946.

(b) Interested State commissions and interveners of record may participate in this further proceeding as provided in the provisional rules of practice and regulations under the Natural Gas Act.

Date of issuance: January 6, 1947.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-192; Filed, Jan. 8, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 7939]

OAHU JUNK CO., LTD.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found and determined by Vesting Order 1756, dated June 25, 1943, that Oahu Junk Company, Ltd., a Hawaiian corporation, is a business enterprise within the United States and that Oahu Junk Company, Ltd., Yotaro Fujino and Chiyono Fujino are nationals of a designated enemy country (Japan) and having by said order vested 404 shares (44.89%) of the \$100 par value capital stock of Oahu Junk Company, Ltd.;

2. It is hereby found:

That of the issued and outstanding capital stock of Oahu Junk Company,

Ltd., consisting of 900 shares of \$100 par value common capital stock, 496 shares (55.11%) registered in the names of the persons listed below in the number appearing opposite each name are beneficially owned by, or controlled by, Yotaro Fujino and, together with the 404 shares (44.89%) heretofore vested by Vesting Order 1756, are evidence of ownership of Oahu Junk Company, Ltd.:

Names	Number of shares
Kaname Fujino.....	200
	25
	1
Katsue Fujieki.....	117
	14 3/4
	1
Shizue Maneki.....	117
	14 3/4
	1
Tadashi Fujieki.....	1
	1/8
Mitsugi Maneki.....	1
	1/8
Tokuichi Tsuda.....	1
	1/8
Yasuo Tsutsumi.....	1
	1/8
Total.....	496

and it is hereby determined:

3. That Kaname Fujino, Katsue Fujieki, Tadashi Fujieki, Shizue Maneki, Mitsugi Maneki, Tokuichi Tsuda, Yasuo Tsutsumi are controlled by or acting for or on behalf of and as cloaks for a designated enemy country (Japan) or persons within such country and are nationals of a designated enemy country (Japan);

4. That to the extent that the persons named above are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

NOTICES

There is hereby vested in the Attorney General of the United States the 496 shares of \$100 par value common capital stock of Oahu Junk Company, Ltd., more fully described in subparagraph 2 hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 50 U. S. C. App. 1; 55 Stat. 839, 50 U. S. C. App. Sup. 616; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 6, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-162; Filed, Jan. 7, 1947;
8:48 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM, EXCEPT BANKS IN DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Tuesday, December 31, 1946, on Form 64 (Short form)¹—Call No. 26, and a report of earnings and dividends for the calendar year 1946, on Form 73.¹ Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Short form)," issued December 1946; and said report of earnings and dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Earnings and Dividends on Form 73," issued December 1945, and supplement of December 26, 1946.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 47-197; Filed, Jan. 8, 1947;
8:46 a. m.]

¹ Filed as part of the original document.

INSURED BANKS

ORDER FOR FILING OF CERTIFIED STATEMENT

Pursuant to the provisions of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended (12 U. S. C., 264 (h) (1)), it is ordered, That each insured bank file with the Corporation on or before January 15, 1947, the following described certified statement forms:¹ (1) Certified Statement—Part One, Based on Deposits for the Six Months Ending December 31, 1946, Form 545-W in triplicate; and (2) Recapitulation of the Monthly Totals of Certified Statement—Part Two, for the Six Months Ending December 31, 1946, Form 555-W; and remit the payment of the assessment determined to be due upon such Certified Statement at the time said statement is filed. The bank should retain the quadruplicate copy of Form 545-W and the duplicate copy of Form 555-W for its files.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 47-196; Filed, Jan. 8, 1947;
8:46 a. m.]

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Tuesday, December 31, 1946, on Form 64 (Savings),¹ and a report of earnings and dividends for the calendar year 1946, on Form 73 (Savings).¹ Said report of condition and report of earnings and dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Earnings and Dividends on Form 73 (Savings)," issued December 1945.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY,
Secretary.

[F. R. Doc. 47-198; Filed, Jan. 8, 1947;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 422, Special Permit 22]

RAILROADS TO UNLOAD BOX CARS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted

for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load until 11:59 p. m., January 2, 1947, by the Pennsylvania Railroad at its New York and New Jersey terminals in and around greater New York, N. Y., of cars SAL 4138, L&N 15742, Sou. 14084 and 60 other cars all containing carloads of miscellaneous freight; also cars B&O 381578, NYC 290710, IC 37962 and 434 other cars all containing L. C. L. merchandise freight.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of December 1946.

[SEAL] V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-189; Filed, Jan. 8, 1947;
8:47 a. m.]

[S. O. 422, Special Permit 23]

RAILROADS TO UNLOAD BOX CARS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load until 11:59 p. m., January 4, 1947, by the Pennsylvania Railroad at Baltimore, Maryland, of cars CN 503691, 508033, 502333, and 25 other cars all containing cyanamid consigned for transshipment to the S. S. "Mariners' Splice."

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of December 1946.

[SEAL] V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-190; Filed, Jan. 8, 1947;
8:47 a. m.]

[S. O. 422, Special Permit 24]

RAILROADS TO UNLOAD BOX CARS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load at Jersey City, New Jersey, cars in CNJ and B&O lighterage account.

This special permit shall become effective 12:01 a. m. January 1, 1947 and shall expire at 11:59 p. m. January 10, 1947.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of December, 1946.

[SEAL] V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-191; Filed, Jan. 8, 1947;
8:47 a. m.]

[S. O. 664]

UNLOADING OF TRACTOR SCRAPER AT SAN FRANCISCO, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of January A. D. 1947.

It appearing, that a car containing a tractor scraper at San Francisco, California, on the Southern Pacific Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Tractor scraper at San Francisco, Calif., be unloaded.* The Southern Pacific Company, its agents or employees, shall unload immediately Milw 650374 loaded with a tractor scraper now on hand at San Francisco, California, for transshipment.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 6, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a), and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, That this order shall become effective immediately, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-188; Filed, Jan. 8, 1947;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1416]

COLUMBIA GAS & ELECTRIC CORP. AND ATLANTIC SEABOARD CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of December 1946.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its wholly-owned subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, having filed a joint declaration pursuant to the provisions of section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding a cash contribution of \$500,000 by Columbia to Seaboard and a like contribution by Seaboard to its subsidiary, Virginia Gas Transmission Corporation ("Virginia"), for the purpose of enabling Virginia to meet obligations incurred in connection with its construction program;

The transaction having been approved by the State Corporation Commission of Virginia by its order dated December 16, 1946;

Said declaration having been filed on December 13, 1946, and an amendment thereto having been filed on December

26, 1946, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective; and

Columbia and Seaboard having requested that the Commission take appropriate action to accelerate its order herein and that the order become effective forthwith, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration, as amended, be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL] FOR: ORVAL L. DUBOIS,
Secretary.
BY: NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-177; Filed, Jan. 8, 1947;
8:48 a. m.]

[File No. 70-1417]

COLUMBIA GAS & ELECTRIC CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of December 1946

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, having filed a declaration pursuant to the provisions of section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder regarding a cash contribution of \$1,000,000 to its public utility subsidiary, United Fuel Gas Company ("United"), for the purpose of enabling United to meet obligations incurred in connection with its construction program;

Said declaration having been filed on December 13, 1946 and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the require-

NOTICES

ments of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective; and

Colombia having requested that the Commission take appropriate action to

accelerate its order herein and that the order become effective forthwith, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be, and the

same hereby is, permitted to become effective.

By the Commission.

[SEAL] For: ORVAL L. DuBois,
Secretary.

By: NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-176; Filed, Jan. 8, 1947;
8:48 a. m.]